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THE

BENCH AND BAR

2
OF

GEORGIA:

MEMOIRS AND SKETCHES.

With an Appendix,

CONTAINING A COURT ROLL FROM 1790 TO 1857, ETC.

BY

STEPHEN F. MILLER.

V. 1
VOLUME I.

PHILADELPHIA:
J. B. LIPPINCOTT & CO.
1858

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CONTENTS

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CONTENTS

CHAPTER I. THE HISTORY OF THE
ART OF PRINTING IN GREAT
BRITAIN

CONTENTS OF VOL. I.

CHAPTER I.

	PAGE
GEORGE D. ANDERSON—Born in South Carolina—Removal of Parents to Georgia—Labors as a Mechanic in the Manufacture of Cotton-Gins—Studies Law—Admitted to the Bar—Partnership with J. M. Calhoun, Esq., at Decatur—Elected Colonel of the Regiment—Appointed Brigade-Inspector—Appointed by President Van Buren Commissioner to investigate alleged Frauds on the Indians in Alabama—Representative in the Legislature from De Kalb—Removes to Marietta—Senator from Cobb County—Elected Solicitor-General of the Coweta Circuit—Elected Judge of the Cherokee Circuit—Sudden Death at Spring Place in 1843—Proceedings of the Bar—His Character, &c.	17

CHAPTER II.

ROBERT AUGUSTUS BEALL—Native of Maryland—Removal of Parents to Georgia in 1808—Completes Education at Raleigh, North Carolina—Studies Law in Augusta under Judges Reid and Montgomery—Admission to the Bar—Locates in Marion—Partnership with Col. T. G. Holt—Appointed Solicitor-General by Gov. Troup—Duel with Thomas D. Mitchell—Elected to the Legislature in 1825 and 1826—Supports the Administration of Gov. Troup—Appointed Aide-de-Camp to Maj. Gen. Wimberly—Counsel for Judge Fort in 1827—Marriage in 1828—Partnership with S. F. Miller—Elected again to the Legislature in 1830—His course in that body—Resolutions on the Tariff, and in favor of President Jackson—Appointed Aide-de-Camp to Gov. Gilmer—Removes to Macon in 1832—Partnership with Col. Seymour—Delegate to the Anti-Tariff Convention—Elected Brigadier-General—Serves on the Committee at the State-Rights Meeting in November, 1833—Edits the Georgia Messenger—Defeated for Congress by Gen. Glascock—Character as an Advocate and Debater—Renounces Scepticism and joins the Church—Health declines—Lingering Illness—His Death in 1836—Funeral Honors—Testimonials of the Bar, Literary Societies, &c.	21
--	----

CHAPTER III.

JOHN MACPHERSON BERRIEN, LL.D.—Huguenot Ancestry—Born in New Jersey in 1781—Removal of Parents to Georgia—Graduates at Princeton at the age of fifteen years—Classmate of Judge Gaston—Reads Law with	3
---	---

SECRET

CLASSIFICATION

1. SUMMARY

The following information is being furnished to you for your information. It is classified "Secret" because its disclosure could result in the identification of sources and methods of the Central Intelligence Agency and thus be injurious to the national defense.

2. DISCUSSION

The information contained in this document is the result of a study conducted by the Central Intelligence Agency. It is intended to provide a comprehensive overview of the current situation in the field of [redacted]. The study was conducted in accordance with the procedures established by the Central Intelligence Agency and is intended to provide a basis for the development of policy and action.

3. CONCLUSIONS

The study has concluded that the current situation in the field of [redacted] is highly complex and requires a coordinated effort by the Central Intelligence Agency and other agencies to address the challenges posed by the situation.

the Hon. Joseph Clay—Admitted to the Bar in 1799—Elected Solicitor-General in 1809—Judge of the Eastern Circuit in 1810—Declares the Alleviating Law unconstitutional—Commands a Volunteer Regiment of Cavalry in the War of 1812—Conduct touching the Sentence of Hopkins vindicated by the Legislature in 1818—Twelve years Judge of the Superior Court—Elected a State Senator from Chatham County in 1822 and 1823—Proposes Digest of the Laws of England in force in Georgia—Elected to the Senate of the United States in 1824—Takes his Seat March 4, 1825—Delivers his Discourse on Eloquence at Athens in 1828—In January, 1829, submits Georgia Protest against the Tariff—Resigns his Seat in Senate—Appointed Attorney-General of the United States, March, 1829—Address before the Societies of Princeton College in 1830—Degree of Doctor of Laws conferred by that Institution—Resigns Office in the Cabinet in 1831—Correspondence with President Jackson—Returns to Georgia—Serves in the Free-Trade Convention at Philadelphia in 1831—Author of the Address to the People of the United States—Reception at Milledgeville in November, 1831—Practises Law in the Supreme Court at Washington—Appears at the Anti-Tariff Convention in Milledgeville, 1832—Prepares the Report of the Committee of Twenty-One—Appointed by the Governor in 1838 on a Special Commission—Extracts from the Report—Again elected to the United States Senate in 1840—Support of Whig Measures—Report on the Bill to repeal the Bankrupt Law—The Legislature of Georgia censures his course in 1841—Same body expresses its full approbation in 1843 and assures him of the public confidence—Attends the National Whig Convention at Baltimore in 1844—Chairman of the Committee to notify Mr. Clay of his Nomination—Speech in Boston on the Tariff in 1844—Resigns his Seat in the Senate in 1845—Is immediately re-elected, and prevailed on to accept—Address to his political friends on the occasion—Declines being a Candidate for the Bench of the Supreme Court of Georgia—Re-elected to the Senate in 1847—Position in 1848 relative to Mr. Clay and General Taylor—Letter to Col. Owen—Opposes the Public Reception of Kossuth in 1851—Other Measures discussed—Death of Mrs. Berrien in February, 1852—Resigns his Seat in the Senate, May, 1852—Appears as Counsel in the Supreme Court of Georgia in the Bank Cases—Issues an Address in Defence of the American Party, September, 1855—Presides at the State Convention of the Party in December, 1855—His Illness at Milledgeville—Return to Savannah—His Death, January 1, 1856—Testimonials of Respect to his Memory—Proceedings of the Bar in the Supreme Court—Resolutions of Condolence and Respect in the Legislature—A New County named “Berrien”—Tribute from the American Bible Society—His Character.....

CHAPTER IV.

EDWARD J. BLACK—Born in South Carolina—Goes to School in Augusta—Studies Law, and admitted to the Bar in 1827—Practises with Judge Reid—Writes Humorous Articles for the Press—Sharpness in Debate—Marriage with Miss Kirkman, of Barnwell District—Elected to the Legislature in 1829 and 1830—Proposes to remove State University from Athens to Milledgeville—“Bucket Letters”—Defeated for Attorney-General in 1831—Elected to Congress by the Whigs in 1838—Supports Mr. Van Buren for President in 1840—Remains six years in Congress,

from 1839 to 1845—Reputation in Debate—Bold and independent as a Politician—Social Qualities—Fine Perception of the Ludicrous—Objects to all Parade and Mannerism in Society—Uniform Patron of Merit—Mind depressed by Symptoms of Consumption—Taste for Music—Power of Mimicry—Fond of Anecdotes—Kindness to the Poor—Last Illness—Resignation to his Fate—Death in 1849..... 110

CHAPTER V.

DUNCAN G. CAMPBELL—Native of North Carolina—Graduates at Chapel Hill University in 1806—Removes to Georgia—Takes charge of a Female Academy in Wilkes County—Reads Law with Judge Griffin and succeeds to his Practice—Elected Solicitor-General in 1816—Representative in the Legislature three years—Partnership with Garnett Andrews—In 1824 appointed by President Monroe a Commissioner to negotiate Treaty with Creek Indians—Failure of Treaty at Broken Arrow, December, 1824—Conclusion of Treaty at the Indian Springs, February, 1825—Correspondence with Gov. Troup and the Secretary of War—Indian Disturbances—Death of McIntosh—Mission of Gen. Gaines—Conduct of the Agent for Indian Affairs—Investigation by Georgia Commissioners—Controversy between Gov. Troup and the President—Abstract of the Correspondence—Good Faith of the Treaty established—Successful Issue—Acts as Trustee of the University—Advocate of Female Education—Prospects for Governor—His Death in 1828—Domestic Matters—Sketch of his Son, Mr. Justice Campbell, of the Supreme Court of the United States..... 115

CHAPTER VI.

AUGUSTIN S. CLAYTON—Born in Virginia—Parents remove to Georgia—Augustin becomes a Student in the Richmond Academy—Receives a Book from Gen. Washington as the Reward of Merit—Graduates at Franklin College in 1804—Reads Law with Judge Carnes—Is licensed to practise, and locates in Franklin County—Marriage with Miss Julia Carnes—Removes to Athens—Compiles the Laws of Georgia from 1800 to 1810—Elected Judge of the Superior Court in 1819 and in 1822—Defeated by the Clark Party in 1825—Writes the Mysterious Picture—Literary Address at Athens in 1828—Again elected Judge in 1828—Case of the Missionaries—Troubles in the Gold-Region—Beaten for Re-election in 1831—Immediately elected to Congress—Opposition to the Tariff—Letter to the Globe—Moves for a Committee to investigate United States Bank—Speech on the Subject—List of British Stockholders—Approves the Removal of the Deposits—Letter reviewing the action of former Secretaries of the Treasury—Report on the Public Lands—Serves in the Anti-Tariff State Convention in 1832—Chairman of the Committee of Thirteen at the great State-Rights Meeting in 1833—Reports the Platform—Re-elected to Congress—Voluntarily retires in 1835—Devotes himself to Factory Operations—Literary Employments—Trustee and warm supporter of the University of Georgia—Is attacked with Paralysis in 1838—Partial Restoration—Investigates the Evidences of Christianity—Unites with the Church—Testimony in favor of Religion—His Death in 1839—Extracts from the Funeral Discourse of Rev. Whiteford Smith—Tributes of the Press and of Literary Societies—Character for Wit, Benevolence, and the Domestic Affections—Letter of Chancellor Kent..... 139

CHAPTER VII.

PAUL COALSON—Birth in 1799—Goes to the School of Dr. Church, at Eaton-ton—Enters Franklin College—Graduates in 1824—Reads Law with Judge Clayton—Admitted to the Bar—Marries Miss Blackshear in 1825—Removes to Thomas County—Influential Family Connection—Obtains a good Practice—His Social Qualities—Extent of the Southern Circuit—Members of the Florida Bar—John Taylor—The Sulky-Race—Professional Zeal—Hospitality of Mr. Coalson—His Death in 1830—Proceedings of Bar 193

CHAPTER VIII.

WALTER T. COLQUITT—Born in Virginia—Parents remove to Hancock County, Georgia—Walter sent to School at Mount Zion—Progress in Learning—Activity in Sports—Goes to Princeton, New Jersey, and wears a Hat of Rabbit-Skins—Returns home, owing to Illness of his Father—Reads Law with Col. Rockwell—Admitted to the Bar in 1820—First locates at Sparta and then in Walton County—Elected Brigadier-General—Runs for Congress and is nearly elected in 1826—Elected by the Legislature first Judge of the Chattahoochee Circuit in 1826—Reference to his Decision by Gov. Forsyth—Re-elected Judge in 1829—Senator from Muscogee County in 1834 and 1837—Elected a Representative to Congress in 1833 by the Whig Party—Refuses to support Gen. Harrison for President—Is re-elected to Congress in 1840 and 1842—At the session of 1842 elected by the Legislature a Senator in Congress—Supports the Mexican War—Exertions in the Presidential Canvass—Influence over Public Assemblies—Style of Oratory original—Success before Juries—Southern Rights in 1850 and 1851—Delegate to the Nashville Convention—Resolutions of that Body—Efforts to establish the Compromise Line—Honest and fearless in his aims—Religious Character—The Pulpit and Social Freedom contrasted—Motives often misconceived—General Benevolence—Family Relations—Inroads of Disease—Starts for Montvale Springs—Dies at Macon in 1855—Public Grief—Proceedings of the Bar of the Supreme Court..... 202

CHAPTER IX.

WILLIAM H. CRAWFORD—Born in Virginia in 1772—Parents came to South Carolina in 1779, and thence to Georgia in 1783—After diligent preparation, William teaches School—Studies the Classics under Dr. Waddel—Becomes his Assistant—Unites with Mr. Tait in the Richmond Academy—Comes to the Bar in 1799—Settles in Lexington—Marries Miss Gardine—Compiles the Georgia Statutes—Duel with Van Allen—Represents Oglethorpe in the Legislature—Conduct of Judge Tait vindicated—Duel with Gen. Clark—Commission to ascertain 35th degree of North Latitude—Offers Resolutions in 1806 requesting President Jefferson to serve a third term, which are unanimously adopted by the Georgia Legislature—Elected to the United States Senate in 1807—Appointed Minister to France—Interview with the Emperor Napoleon—Letters to Mr. Clay, at Ghent—Appointed Secretary of War in 1815—Appointed Secretary of the Treasury in 1816—Administration of the Finances until March 3, 1825—Is a Candidate for President in 1824—Attack of Paralysis—Mr. Adams elected President—Letter of Mr. Jefferson—Return to Georgia—Public Dinner at Milledgeville in November, 1825—Appointed Judge of

the Northern Circuit in 1827—Elected to the same Office by the Legislature in 1827, 1828, and 1831—His tenacious Memory—Chairman of the Convention of Judges—Social Correspondence with Henry Clay—Letter to C. J. Ingersoll on United States Bank—Death on the Circuit in 1834—His Character—Votes of Electoral College in Georgia from 1788 to 1856.. 218

CHAPTER X.

WILLIAM CROCKER—North Carolina his native State—Comes to Georgia in Early Manhood—Marriage with Miss Long—Teaches School—Studies Law under Judge Early—Licensed to practise by Judge Carnes in 1810—Engages in Merchandise—Unsuccessful—Resumes his School—Settles in Twiggs County—Obtains large Business—Members of the Bar from 1811 to 1825—Several times elected to the Legislature—Appointed Judge-Advocate—Exploits of Sword in the hands of Sergeant M.—Visit of Gen. La Fayette to Milledgeville—La Fayette Volunteers, from Twiggs—Rivals at the Bar in Marion—Judge Fort and others—Character of R. A. Evans—Major Crocker acquires a large Property—Retires from the Bar—Names of Children—His Death in 1835—Reputation and Personal Appearance 247

CHAPTER XI.

WILLIAM C. DAWSON—Born in Greene County—Educated at the Academy of Rev. Dr. Cumming—Graduates at Franklin College in 1816—Reads Law with Judge Cobb—Attends the Law-School of Judges Reeve and Gould at Litchfield, Connecticut—Admitted to the Bar in 1818—Opens an Office at Greensboro—Marries Miss Wingfield—Rapidly advances in his Profession—Elected Clerk of the House of Representatives in 1821—Supports Gov. Troup and the Old Treaty—Compiles Laws of Georgia in 1830—Elected to the Legislature—Efforts in behalf of State-Rights—Mandate of the Supreme Court of the United States disregarded—Raises a Volunteer Company and serves under General Scott in 1836—Elected a Representative to Congress in 1836, 1838, and 1840—Nominated for Governor in 1841—Defeated by Gov. McDonald—Resigns his Seat in Congress—Table of Votes for Governor from 1825 to 1855—Appointed Judge of the Superior Court by Gov. Crawford in 1845—Elected to the Senate of the United States in 1847—His Course in that Body—Opposes the Formal Reception of Kossuth—Speeches on various subjects—On the Bill granting Lands to Iowa for Railroads—On the Homestead Bill—Urges Claim of Dr. Long to the Discovery of Practical Anæsthesia to be used for Surgical Operations in the Army—Presents Resolutions of the Legislature on Nebraska to the Senate—Explanation as to “Whig Caucus”—Speech on “Log-Rolling” in the Legislation of Congress—Social Letters—Great Humor and Urbanity—Retires from the Senate March 4, 1855—Domestic Relations—His Death, May 5, 1856—Funeral Ceremonies—Manifestation of Sorrow and Respect by the Masonic Lodges—Proceedings in the Supreme Court—Additional Sketch by Judge Nisbet 260

CHAPTER XII.

SEABORN DELK—Early Life unknown—Son of David Delk, Esq., the first Clerk of Wilkinson Superior Court—Sprightly Talents—Neat and ready

Penmanship—Skill in Legal Forms—Reads Law with Judge Warren—Admitted to the Bar by Judge Kenan in 1828—Opens an Office at Irwinton—Elected Colonel of the Wilkinson Regiment—Legal Associates—Marriage with Miss Coats, of Laurens, in 1831—Removes to Marion in 1832—Rides the Southern Circuit—Bold and Successful—Pushes himself into Cases—Ambitious of Gain—Personal Difficulty—Correspondence—Mediation of Major Howard—Publicity to the Affair—Letter of Judge Gaston—Col. Delk assaults his Adversary with intent to murder—Criminal Prosecution—Friends interpose—Amicable relations restored—Nolle prosequi entered—Change of Politics—His Death in 1834—Character.....

318

CHAPTER XIII.

JOHN M. DOOLY—Ancestors from North Carolina—J. M. Dooly born in Lincoln County, Georgia—His Father killed by the Tories in the Revolution—Early Life not ascertained—Solicitor-General in 1802 by Executive Appointment—Elected to the same Office by the Legislature in 1804—A Representative from Lincoln County—Irregular Habits—Defence of Medical Students—Wit and Sarcasm—Variety of Anecdotes—Breaks a Faro-Bank—Challenged by Judge Tait—Equality in the Duel—Elected Judge of the Western Circuit in 1816—Judge of the Northern Circuit in 1822 and 1825—His Death in 1827—Description of his Person—Letters of Gov. Gilmer, A. Pope, Esq., Judge Andrews, Judge Thomas, and Dr. Slappy, giving incidents—Remarkable Gifts—Character.....

331

CHAPTER XIV.

PETER EARLY—Born in Virginia, 1773—Father removes to Georgia in 1795—Peter graduates at Princeton College—Studies Law under Mr. Ingersoll in Philadelphia—After thorough Preparation, comes to the Bar—Strong Competition—Rapid Advancement—Elected to Congress in 1802—Serves on the Committee with Mr. Randolph to impeach Judge Chase—Retires from Congress in 1807—Elected Judge of the Superior Court without opposition—Dignity and Force of his Judicial Administration—In 1813 is elected Governor—Firmness in the War—Sagacity of his Measures—Alleviation Law—Veto-Message—Defeated for Governor in 1815—Retires to his Farm in Greene County—Serves in the State Senate—Domestic Relations—His Death in 1822—Letters to Gen. Blackshear referred to, &c.

345

APPENDIX.

GEN. DAVID BLACKSHEAR—Ancestors from Germany—Came to America in 1732—Settle on Trent River in North Carolina—Hardships of Forest Life—Toil rewarded by Success—David Blackshear born in 1764—Goes to School three Months—Follows his Brothers in the War of the Revolution—Present at the Battle of Moore's Creek in 1776—Also at Buford's Bridge—His Eldest Brother, James Blackshear, killed by the Tories—Sudden Revenge—Goes three Months more to School—Education completed in six Months—Learns Surveying—Winter Expeditions to Georgia as a Surveyor—Works on the Farm—Removes to Georgia in 1790—Names of Brothers and Sisters—Appointed Justice of the Peace in 1796—Major of

Battalion—Orders in 1797 with prospect of war with France—Indian Troubles—Letter of Governor Jackson in 1799—Exercises Military and Civil Power—Appointed Major of Brigade—Marriage with Fanny Hamilton in 1802—Family Connection—District Surveyors in 1806 between Oconee and Ocmulgee—Yazoo Fraud denounced by the Legislature in 1807—Appointed Brigadier-General in 1812—Ordered to protect the Frontier—Erection of Forts near the Ocmulgee—Detail of Militia—Active Operations—Command of the Army tendered by Gov. Early—Orders to Subordinates—Expedition to Flint River—Letters from Major-General McIntosh—Rumor of large British Force at Forbes's Store—Col. Hawkins's Indian Regiment—Movements of Gen. Jackson near New Orleans—Georgia Detachment ordered to Mobile—Marching and Countermarching—Landing of the British near Darien—Ordered to the Seacoast—Letters to Gen. Floyd—Scarcity of Supplies—March down the Ocmulgee—Panic south of the Altamaha—High Waters on Route—Arrives at Fort Barrington—Recruits the Army—Takes possession of Darien—Orders to prevent Pillage by the Enemy—British Fleet near St. Mary's—Fort and Magazine at Point Petre destroyed—Negroes enticed by the British—Admiral Cockburn—News of the Victory at New Orleans—Intelligence of Peace from the Secretary of War—Cessation of Hostilities—Demonstration of Joy in Savannah—Troops disbanded, February 27, 1815—Military Correspondence—Gen. Blackshear returns to his Farm—Thanks voted by the Legislature—Oconee Navigation—Public Spirit—Service in the Legislature—Chairman of Committee on the State of the Republic—Influence—Withdraws from Public Life in 1825—Resignation as Brigadier-General—Letter from Governor Troup—Conduct of Judge Fort investigated by the Legislature—Social Correspondence—Letters from Members of Congress, Dr. Moses Waddel, &c. &c.—Presidential Elector—Family Record—His Death, July 4, 1837—Character, &c.

INDEX

To the Documents and Correspondence attached to the Memoir of General BLACKSHEAR. [Where several Despatches or Letters appear between the same parties, only one of them is referred to in the Index.]

OFFICIAL PAPERS.

	PAGE
Adams, Major-General—Orders for Frontier Service.....	414
Barnard, Timothy—Transmission of Despatches.....	448
Blackshear, Lt. Col.—Disorders in Militia.....	413
Calhoun, Secretary of War—Claims for Military Service.....	467
Carter, Army-Contractor—Escort for Supplies.....	423
Early, Governor—Tendering Command of the Army.....	415
Fannin, Quartermaster—Deposit of Rations.....	452
Fauche, Adjutant-General—Prospect of War, 1797.....	403
Floyd, Brigadier-General—Defence of the Islands.....	460
Freeman, Secretary of Executive Department—Army Intelligence.....	408
Groce, Captain—Organizing First-Class Militia.....	430
Hawkins, Colonel—Message to Indian Chiefs.....	444
Hopkins, Major—Disposing of Command after Peace.....	463
Irwin, Governor—Indian Troubles on the Oconee.....	414

	PAGE
Jackson, Governor—Indian Trespasses and Remedy.....	405
Lamar, Secretary of Executive Department—Receiving Gen. La Fayette....	480
Lane, Captain—Ordnance Stores to be supplied.....	450
Massias, Captain—News of Victory at New Orleans.....	458
McDonald, Forage-Master—Loss of Public Stores at Ferry.....	434
McIntosh, Major-General—Ordering Detachment to Mobile.....	440
Mitchell, Governor—Examination of the Frontier.....	412
Monroe, Secretary of War—Announcing Peace with Great Britain.....	463
Navey, Forage-Master—Supplies for the Army.....	434
Newnan, Adjutant-General—Regiments for Gen. Jackson.....	422
Patton, Major—Organizing Militia in Twiggs.....	433
Pinckney, Major-General—Mustering Troops in U. S. Service.....	461
Porter, Secretary of Executive Department—Ammunition for the Army.....	454
Rabun, Governor—Court-Martial in Laurens.....	467
Rutherford, Colonel—Regimental Reviews in 1799.....	405
Thomas, Captain—Swords and Pistols for Cavalry.....	433
Tooke, Lt. Colonel—Indian Attack on Hartford.....	420
Wimberly, Lt. Colonel—Arming the Forts in Twiggs.....	412
Winchester, Brigadier-General—Reinforcements for New Orleans.....	439

PRIVATE LETTERS.

Blackshear, James H.—Student at Franklin College.....	468
Blount, Richard A.—Oconee Navigation.....	481
Chandler, Daniel—Soliciting Influence in Legislature.....	483
Crawford, Joel—Public Officers at Washington.....	467
Crawford, Peter—Depraved Party Movements.....	482
Elliott, John—Presidential Campaign in 1824.....	472
Floyd, John—Public Rejoicing at News of Peace.....	463
Franklin, Bedney—Introducing Dr. Abner Franklin.....	426
Hammond, Samuel—Militia Claims in Congress.....	411
Hardin, Mark—Army Gossip, European Affairs, &c.....	424
Harris, Charles—Candidate for City Court of Savannah.....	480
Jones, James—Western Territory in 1800.....	409
Jones, Seaborn—Lawsuit of Ridley vs. Blackshear.....	476
King, Henry—Relief before Legislature.....	480
McIntosh, John Houstoun—British Outrages on the Coast.....	465
Parke, Ezekiel—Introducing Dr. William W. Strain.....	421
Perry, James—Introducing Member of the Legislature.....	481
Sawyer, John—British plundering Private Property.....	455
Strong, Christopher B.—Troup Victory in 1825.....	480
Tattnall, Edward F.—Introducing Col. Daniell.....	469
Waddel, Moses (Rev.)—Affairs of Franklin College.....	475
Wilde, Richard H.—Cabinet Officers and Prospects in 1825.....	479

PREFACE.

THIS work in its present arrangement differs from the plan first intended. When the author made up his mind to publish sketches of the Bench and Bar of Georgia, he persuaded himself that his inquiries would draw forth many things—enough to constitute a volume—which he would have only to place under suitable heads, with such remarks of his own as might be necessary to preserve the connection. It was designed more as a compilation of facts than a treatise on character. The idea was to separate the incidents into a class, with distinct chapters, leaving the matter which was purely biographical to appear under the names introduced. The author aimed to devolve the composition chiefly on others who were adequate,—to place them as laborers in the field, whilst he would follow and gather up the sheaves with humble acknowledgment. But those whom he invited to the harvest had many excuses. Some were silent; others feigned inability to write; some had no leisure from other engagements; a portion had forgotten all the good things they ever knew, but were kind enough to refer to certain other gentlemen, who would gladly relieve their overburdened memories for the accommodation of the author. A few sat down at once and gave him a crumb to stop his importunity. And here the author takes occasion to thank his correspondents, to whom he is indebted for his best materials. References in the margin will guide the reader to the sources of his information.

The author begs to say that his search has been liberally rewarded, as the work itself will show. Old family chests

and drawers have been opened to him, with the privilege to examine and select papers. The aid from this quarter has been most gratifying. Many letters and documents, too valuable to perish, have been thus given to the public. They will be found in their proper connection in the work. To claim for them the privacy in which many of the letters were written only adds to their interest. Of course, names have been withheld in certain passages where the freedom would give pain to the living. A picture drawn in confidence is more to be relied upon for its truth, its fidelity to nature, than the coloring of the artist who paints for the public eye. A leading feature in this work is the frankness and simplicity of its statements, both by contributors and the individual who writes himself the author. On no occasion, however, has any unkindness been intended, either to the dead or the living, in the course of these memoirs,—as there may be candor without malice.

It may seem out of place for the author to qualify his sketches of individual character, after the labor he has bestowed on them. Knowing that many persons who were personally acquainted with the gentlemen of whom he has written will be apt to accuse the author of exaggeration on the one hand and perhaps injustice on the other, as his remarks may happen in each case, he here takes occasion to *disclose a secret in book-making* by way of explanation. Most writers, in all periods of the world, in all countries,—from the huge metropolis to the veriest hamlet,—have been influenced by a common ambition to appear well *on paper*, as that is the only arena on which they are to figure with any hope of success. To give their labors a sort of attraction, they are compelled to invest every thing they touch with *more than ordinary importance*,—to give warmth and force, so as to render significant that which seems devoid of interest because it is familiar in every-day life. The author, however, insists that he has not exceeded, if indeed he has fulfilled, the usual license in this respect. Of the thirty-two characters noticed biographically in his work, he has seen twenty-three of them, heard

them converse or make speeches, or in some other mode had an opportunity of judging each individual on his own merits. With several of them he was personally intimate, as the facts in the memoirs will show. At the time, no very striking idea or occurrence was presented worthy of historical note. But on review, after the grave has improved the vision and the heart of survivors, generosity supplants even a fault-finding disposition.

The author has made these remarks, not that he prides himself on their *boldness* or *originality*, but from a much better motive. While he charges this habit of writers without fear of successful contradiction in the mind of any experienced reader of history, he asserts, in behalf of the statesmen, jurists, and advocates whom he has chronicled, a perfect claim to the distinction and credit severally awarded to them. In the mean time, the author has too humble an opinion of himself to appear in any other light than as a mere pioneer in the solitudes of forensic biography in Georgia. He has pointed to the buried treasures, the correspondence, the briefs, the career of many who acted well their part and whose memoirs would be a gain to the public. In this connection the author may be permitted to express his gratification that he has accomplished enough, under singular disadvantages, to stimulate others better qualified to rescue from decay the materials of which the legal profession furnishes an ample store to interest the whole community.

In the variety of matter incorporated in these volumes the author has thought proper to admit several letters written in the confidence of friendship, some of them entirely too kind for publication by himself. While this may be so, he is even willing to bear the reproach for the sake of other days and other associations now pleasant to recall. A number of original letters will be found, however, wholly free from this objection, addressed to other persons, all germane to the subject. And here let the fact be proclaimed that general history is made up of transactions not less sudden and casual than those of individuals which constitute their chapter in the world.

This current of life, more or less feeble in the experience of every man, gathers up particles from a thousand rills, and, after cleansing the gold from the rubbish, leaves the deposit for distribution among his fellows,—the dividend often being so minute in value as to require a microscope to perceive it.

Not so with the characters in this work. Perhaps not one of them lived for history,—not one of them felt convinced that he deserved commemoration. Some of the gentlemen, it is true, ranked among the foremost in the Union for public services and personal merit: nevertheless they had to enjoy their honors with trembling, and to take only an equal chance in the struggles of humanity. They are the more entitled to respect than if they had with premeditation acted a part for the historian. It is a grateful labor to follow the career of a decided, earnest man,—one who accomplished great and worthy deeds, or who failed only because his power was not equal to his ambition or his modesty. The author has endeavored to do justice to all, and has not omitted to dwell on defects or to discriminate between opposite qualities in the same individual. He has written in a spirit of kindness at all times in the preparation of this work, and for this he takes no credit to himself, just as, if he had acted otherwise toward the defenceless, he would deserve the scorn of his fellow-men, as he would certainly incur his own.

The political matter introduced, referring to several noted issues in Georgia, will no doubt prove acceptable, not only to the young men who have grown up since, but even to those who shared in the contests as they arose. The Old and New Treaties are noticed in sufficient detail to give a just understanding of the controversy. The case of the missionaries and other parties who sought to arraign Georgia before the Supreme Court of the United States is touched upon, with a statement of the facts and the legal questions. In regard to Nullification, and the proceedings in Georgia and South Carolina to carry the doctrine into effect, a very copious outline has been given. These topics form a legitimate portion of the memoirs. The Georgia platform of 1850, and the Resolu-

tions of the Nashville Convention, are also included. In addition to these, several measures in Congress have been brought into view. The recharter of the Bank of the United States, the removal of the public deposits, the tariff, uniform system of bankruptcy, annexation of Texas, &c. are interwoven in the biographical sketches.

From the papers of the late Gen. Blackshear much interesting matter has been obtained, throwing light upon the negotiations for the western territory ceded by Georgia to the General Government in 1802, and also in relation to the War of 1812-15. Many of the letters having been written by Governor Early, whose memoir appears, they were considered necessary to show his official conduct at a critical period. The other documents and correspondence, it is believed, will prove not less acceptable to the public. They all establish the value of old family papers; and their publication, it is hoped, will induce more carefulness generally in preserving such memorials of the past. Many rich treasures have been lost to history for the want of due reflection in this respect. Humble as they seem in garrets usually allotted to them, these scraps of writing are the best interpreters of the times to which they relate, and more worthy of confidence than the interested and formal statements made for the public eye to serve a party or a cause. For this reason, the privilege granted the author by the family of Gen. Blackshear has led to a memoir which accompanies the papers in the appendix to the first volume, and which will be found of interest to the profession for the legislative and judicial matter it contains.

In submitting the result of his labors to the public, the author asks permission to say a word or two calling for the sympathy of his professional brethren. Many original papers in the handwriting of deceased members of the bar have passed under his inspection for the purposes of biography. They have always impressed him with sadness and delicacy in the work he had undertaken, because, while they furnished evidence of character, they left him to throw around that character such drapery as might render it attractive or disagree-

able. It has afforded him satisfaction to exhibit qualities for approval, without the least pleasure in alluding to defects when they existed. In performing his task he has only to regret that his abilities have been less than his patience in the composition of these memoirs.

In the appendix to the second volume a court-roll has been given, containing the names of all the judges of the Superior Courts, and the Attorney and Solicitor Generals in Georgia from 1790 to 1857. Nothing of the kind has ever before been published. It is a record of honors bestowed, and cannot fail to interest readers generally. Also in the same appendix will be found "fragments" from the pen of the author, most of which have appeared in print at various times. They are intended to show certain matters as they transpired. The pieces entitled "Labor Essential to Happiness," and "Letters to a Young Friend," are particularly intended to foster energy of character, and may, it is hoped, have a salutary effect.

In addition to what the author has already said about varying the plan of this work from that originally announced, he thinks proper to observe that the Roll of Practising Attorneys in Georgia, which he designed to include, has been omitted for the reason that such information has since become familiar to the public.

All the materials furnished the author for the purpose have been worked up in the biographies which appear in the two volumes now submitted to the public. Should the favor with which they are received authorize a third volume, the field is ample enough and abundantly fruitful to render a compliance with such a demand not less a duty than a pleasure.

S. F. M.

OGLETHORPE, GEORGIA, January, 1858.

THE
BENCH AND BAR OF GEORGIA.

I.

GEORGE D. ANDERSON.

THERE is no doubt, had he lived to the usual limit of man's sojourn upon earth, the Hon. GEORGE DAVID ANDERSON would have occupied a high rank among the distinguished men of Georgia.

His parents were John and Nancy Anderson, who resided in Anderson district, South Carolina, where their son (the third of eleven children) was born on the 28th day of May, 1806. His opportunities for an education were quite limited; yet, by great diligence in the pursuit of knowledge as chance permitted, he became well informed and capable of mastering the intricacies of the law.

Removing in early life with his parents to De Kalb county, Georgia, he continued to exercise his habits of manual labor for a number of years. He then turned his attention to legal studies, and read in the office of David Kiddoo and James M. Calhoun, Esqs., then partners in the practice of law at Decatur, until he was admitted to the bar in 1833. In the next four or five years he was connected with Mr. Calhoun in the usual labors and profits of the profession until his removal to Marietta, about the year 1838.

At different periods Mr. Anderson served the public in the following situations:—

1. Receiver of tax-returns and collector of taxes.
2. Captain of a militia-company.
3. Colonel of a regiment of militia.
4. Brigade-inspector.
5. Commissioner appointed by President Van Buren, in 1836, to investigate alleged frauds on the Indians, with respect to their lands in Alabama.

6. Representative five years from De Kalb county in the Legislature of Georgia.

7. Senator from the county of Cobb.

8. Solicitor-General of the Coweta circuit.

9. Judge of the Superior Court.

This is indeed a flattering record, such as can rarely be exhibited in favor of a man who died at the age of thirty-seven years. A gentleman* to whom the author applied politely furnished a copy of the remarks of the press and the proceedings of the bar on the occasion of the death of Judge Anderson, which are adopted as a part of this memoir. The same gentleman adds:—

Judge Anderson was a man of a lively disposition, and possessed a warm and feeling heart. He was quite distinguished for his kindness and attention to the sick and unfortunate. In point of honesty and fidelity not a blemish was on his character. You may form some idea of the estimation the people had of him, who knew him, from the great respect shown at his death. He was a member of the Presbyterian Church.

The *Federal Union* thus referred to Judge ANDERSON'S death:—

Georgia has lost few sons whose untimely end would have produced more regret than him for whom we perform the painful duty of offering this passing notice. We extract the remarks of the *Rome Sentinel*, and the proceedings of the bar at Spring Place, where his death occurred. But the case is so full of interest that we add the following, taken principally from a letter from one of his friends:—

“On the morning of his decease, Judge Anderson arose as usual and opened his door that a servant might light a fire. He was for half an hour left alone, but at that time he was found expiring on the floor. His attentive friend, who describes the scene, was present: ‘His pulse had ceased to beat and he was perfectly insensible. It was an awful and sudden visitation of Providence, cutting him off in the midst of his usefulness and at the post of duty. His ways are oftentimes dark and mysterious, but always right. Judge Anderson seemed to have died without the slightest struggle. His features were as placid and composed as if he had gently fallen asleep.’ From Spring Place the body was transported to Marietta, to receive the last duties of his bereaved wife and little ones, and his numerous friends. ‘I never have,’ said his friend, ‘seen a more deeply solemn scene. The Court, the Bar, the Grand Jury, and the largest procession of citizens I ever witnessed on such an occasion, attended his funeral services.’ This well-merited tribute of respect was rendered practicable by the accidental sitting of the Cobb Court at that time.

“Thus has fallen one of our purest, most acceptable, and upright citizens. His rise to office was not through detraction and malice, but his claims rested on his merit alone. Few have arrived at such honors with as few blemishes.”

A communication written by a gentleman† well known in Georgia appeared in the *Rome Sentinel* as follows:—

* James M. Calhoun, Esq., a State Senator.

† Hon. John H. Lumpkin, a Representative in Congress.

It becomes our melancholy duty as a public journalist to record the death of the Hon. GEORGE D. ANDERSON, Judge of the Superior Courts of the Cherokee circuit. Below will be found the proceedings of a meeting held by the bar of this circuit at Spring Place, in Murray county, on the day of his death. The public generally throughout this whole country will participate in the sentiments of regret expressed by the bar at this mysterious visitation of Providence.

Judge Anderson was a native of Anderson district, South Carolina. He removed to this State at an early age, where he commenced life under many disadvantages. Without wealth, without influential family connections to aid and assist in bringing him forward into life, he commenced earning his support by laboring as a mechanic in manufacturing cotton-gins. But, his native intellect being active and strong, he could not long be confined to mechanical employments. He thirsted for knowledge and that enviable distinction which it only can give, aided and assisted by a manly, virtuous life. Without any education, and while compelled to attend to the duties and labors of a mechanical trade, he commenced the study of law. We think we see him now, as then, after being worn out by toil and labor during the day, at night seizing his candle and book, where the flickering light might be seen through his window, the sole sentinel at that dread hour of all that was once life and animation. By his application and industry, continued under such disadvantages, he became qualified from his knowledge to commence the practice of that profession. He established himself in the practice at Decatur, De Kalb county, Georgia, and not only sustained himself as a lawyer, but received from the community in which he lived repeated testimonials of their confidence and esteem by being selected as their representative in the State Legislature.

In the councils of his adopted State he was always the eloquent, the fearless, and independent advocate of her rights, her honor, and the best interests of his own constituents. But his march to distinction was onward and upward. He was next elected by the Legislature the Solicitor-General of the Coweta circuit; and all who have witnessed his able, manly, and eloquent appeals in behalf of the State of Georgia and her violated laws, in criminal prosecutions, have awarded him the praise of an able, honest, and faithful public officer. After the expiration of his office as solicitor-general, shortly after the Cherokee counties were organized by the Legislature and settled by its present enterprising population, the subject of this brief notice made a permanent location in the county of Cobb; and here he was honored with the confidence of the people, and loved for his social, intellectual, and moral worth. Without effort, intrigue, or management, he was to the day of his death an almost universal favorite, and, in the year 1841, was chosen by his constituency in Cobb to represent them in the senatorial branch of the Legislature. He was next elected, at the last session of the Legislature of this State, Judge of the Superior Court of the Cherokee district, and was ably, honestly, and faithfully discharging its responsible duties at the time of his death, with entire satisfaction to the whole country.

Judge Anderson was just entering his thirty-seventh year at the time of his death; and he had, without wealth, without influential family friends, and without the advantages of an early education, established for himself a fame and a reputation that any among us might be proud of. Indeed, it is an example that may be adduced through all time to the

youth of the country as well worthy their imitation. It also strikingly illustrates the character of our free and happy system of government.

The proceedings of the bar were as follows:—

At a meeting of the members of the bar of the Cherokee circuit, convened in the court-house at Spring Place on Tuesday morning, the 28th of March, 1843, Judge John W. Hooper was called to the chair, and Thomas C. Hackett, Esq., requested to act as secretary.

The chairman announced in a brief and feeling manner the sudden and unexpected death of the Hon. GEORGE D. ANDERSON, Judge of the Superior Courts of the Cherokee circuit, who, by a sudden dispensation of Providence, departed this life at an early hour this morning, at his lodgings in this place.

Judge Turner H. Trippe, after a few brief remarks, offered the following preamble and resolutions, which were unanimously adopted by the meeting:—

It has pleased an all-wise and overruling Providence to remove from among us the Judge of the Superior Courts of the Cherokee circuit of this State. The Hon. George D. Anderson is no more! Without warning, the fell Destroyer came and cut him down in the midst of his usefulness and at the post of duty.

To those who knew him as we have known him, eulogy of his character is unnecessary and vain. Mild and courteous as a gentleman, able and talented as a lawyer, upright, fearless, and independent as a judge, he bade fair to become—indeed, he had become—an ornament to the profession, a credit to the bench, and one of Georgia's best and brightest sons. Society, and especially his circuit, has sustained a heavy loss by his untimely death. To his family the deplorable loss is ir retrievable. In all the relations of husband, father, and friend, he was as faultless as mortality could be. Entertaining these opinions of the worth of the departed Judge Anderson, we, the members of the bar of the Cherokee circuit, as a tribute of respect to his memory and in admiration of his character, give the public expression of our feelings on this mournful occasion. Therefore,

Resolved, That we deeply deplore the loss we have sustained by the sudden and untimely death of Judge Anderson.

Resolved, That we sincerely sympathize with his afflicted family in their bereavement.

Resolved, That as a slight tribute to his memory, and indeed a small token of the grief we feel on this melancholy occasion, we will wear crape on our left arm for thirty days.

Resolved, That a committee be appointed to offer to his wife and family our sincere condolence in their deep affliction, and a copy of the proceedings of this meeting.

Resolved, That a copy of these proceedings be published in the public gazette of this circuit and the principal newspapers in the State.

Milton H. Gathright moved that at the next term of the Superior Court of this county, a motion be made that the proceedings of this meeting be entered on the minutes of the court.

The chair appointed Turner H. Trippe, James A. Hanks, Richard M. Aycock, Andrew J. Hansell, and Milton H. Gathright, Esqs., the committee contemplated by the resolution.

The meeting then, on motion of Warren Akin, Esq., adjourned.

II.

ROBERT AUGUSTUS BEALL.

THE genius of ROBERT AUGUSTUS BEALL has been admitted by all who ever heard him speak. He has been aptly called the Prentiss of Georgia. His career at the bar was distinguished by a glowing eloquence which defied all competition. A native grace of manner captivated every eye; his pure diction delighted the scholar; and the melody of his voice charmed every listener. We shall give such particulars of his history as we have been able to gather.

He was born in Prince George county, State of Maryland, on the 16th day of November, in the year 1800. His father removed to Georgia in 1808 with his family; and the subject of this memoir, after the usual elementary training in neighborhood schools, was sent to Raleigh, North Carolina, where he completed his education. He subsequently studied law in Augusta under the direction of Judges Montgomery and Reid, was admitted to the bar soon after he was twenty-one years of age, and located in Marion, Twiggs county, where he formed a professional partnership with Col. T. G. Holt. On the promotion of the latter gentleman to the Judgeship of the Superior Court by Gov. Troup, in December, 1824, to fill the vacancy caused by the resignation of the Hon. Thomas W. Harris, Maj. Beall succeeded Col. Holt as Solicitor-General of the Southern circuit by executive appointment.

About this time, owing to some remarks at the dinner-table of a friend, (the late Martin Hardin, Esq., of Decatur county,) a quarrel ensued between Thomas D. Mitchell, Esq., and Maj. Beall, which led to the field of honor on the Carolina side, near Augusta, in March, 1825. Two shots were exchanged by the parties, when, on the mediation of Maj. Pace, who was recognised as authority in such affairs, the combatants retired from the field without further hostilities. Capt. Joseph Morgan was the officiating friend, and Dr. Ambrose Baber the surgeon, of Maj. Beall. The author, then quite a youth, well remembers the warm rejoicing of Maj. Beall's friends on his return in safety from the duel. While many regretted that he had taken a step of such doubtful propriety, all regarded

him with increased admiration. He was put forth as a candidate for the House of Representatives by the Troup party, but was defeated by a small majority at the regular election. On ascertaining that the Clark party had full dominion in the Legislature, Col. Moses Fort resigned his seat in the House in order to compete for the bench. Maj. Beall was a candidate to fill the vacancy, and was elected over Robert Glenn, Esq., the ablest member of the Clark party in Twiggs county.

Thus we find Maj. Beall, at the age of twenty-five years, a prominent member of the Legislature of Georgia, commanding the attention of the House by strains of eloquence which drew crowded galleries. His modesty and self-respect prevented him from appearing often upon the floor. When a question worthy of his talents arose, and he believed that he could shed light upon it, he exerted himself with that preparation and energy which always secured triumph, if not in the votes of the House, at least in his own rapidly-advancing character. He was courteous in debate, and extremely affable in his bearing at all times.

His course during the session proved so acceptable to his constituents that he was re-elected the next fall by a large majority. His devoted friend, Major-General Ezekiel Wimberly, to whose staff he belonged, was returned to the Senate at the same election, over Gen. L. L. Griffin, who, in the heated party-canvass between Troup and Clark, had caused their defeat the previous year. Maj. Beall again sustained himself with increasing reputation in the House of Representatives.

At the session of 1827, Maj. Beall appeared at the bar of the House of Representatives as counsel for Judge Fort, on charges preferred by Col. Joseph Blackshear, of Laurens county, for irregularities in office, and especially for decisions which he had made in the case of A. B. Ridley and wife against the executor of Elijah Blackshear, deceased. After hearing testimony, the select committee reported an address to the governor, which, after passing the House of Representatives, failed for the want of a two-thirds vote in the Senate.

Pleased with the opening before him in political life, Maj. Beall gave more attention to the voters of his county than he did to the practice of the law. On questions purely legal, his briefs, though more than respectable, did not do justice to his abilities. Labor was irksome as a habit, and he trusted too much to off-hand inspiration to cope with such veterans as Shorter, Torrance, Lamar, S. Rockwell, Prince, Strong, and others of the like class, who often

measured strength with him. Before the jury Maj. Beall was in his proper element. He was well acquainted with the human heart, and could touch every passion with the skill of a master. He was self-possessed and dignified in manner, with a vein of satire that scorched, and the faculty of condensation which gave order and force to his arguments. As his mind glowed with the intensity of its own action, some of the most brilliant gems dropped from his lips. His temperament was poetic. The dark, flashing eye, the clear, cultivated voice, rolling its rich cadences upon the ear, the excited passion and daring flight, constituted Maj. Beall, at times, one of the happiest forensic orators. His moods were not always equal. Genius is ever erratic,—sometimes in gloomy abstraction and then elated with its own divinity. The fortunate medium is difficult to attain. The two extremes were signally illustrated in the character of Maj. Beall. His mental and social organization required constant aliment. Hence he was fond of society where he could draw out congenial sentiments and impart his own lofty nature in the contact. The result was that he formed irregular habits from which he suffered both in fortune and in health. He became addicted to games of hazard, just as Sheridan and Fox applied themselves to keep their ardent sensibilities from languishing in the intervals between labor and repose.

To show the kindness of heart which Maj. Beall possessed, the author makes free to introduce a letter from him, called forth by an application for advice in a course of legal studies:—

MARION, Sept. 21, 1826.

MY DEAR SIR:—I neglected to call at the post-office until yesterday, consequently did not receive your acceptable favor of the 18th inst before that time, to which circumstance I beg you to attribute my delay in answering it.

I am gratified to understand that you intend to devote your leisure hours, assiduously, to the study of law,—not more for the benefit it will be to yourself than the credit, I readily hope and believe, you may be to the profession. I heartily wish you prosperity and cheerfully tender you my assistance to facilitate your progress in the undertaking.

The acquisition of a "practical knowledge of jurisprudence" in this State is not a very laborious undertaking. It may be acquired by assiduous application in twelve months, and some have qualified themselves for the practice in a shorter period.

The course of study to be pursued previous to admission, however, is now laid down by our uniform Rules of Court. Accordingly, all applicants for admission are examined on the principles of the Common and Statute Laws of England in force in this State; the general principles of Equity; the Constitution of the United States and the State of Georgia; the Statute Laws of this State and the Rules of Court.

To acquire a competent knowledge of the Common Law of England, I

recommend you to read the Commentaries of Justice Blackstone. There is now a work in press, compiled in conformity with a resolution of our Legislature, embracing all the statutes of England in force in this State.

To qualify yourself for an examination on the principles of Equity, the author most used is "Maddock's Chancery." Fearful, however, it may not be found in any library here, I would next prefer "Harrison" on the same title.

You will make use of "Prince's Digest" in acquiring a knowledge of the statutes of our own State.

This course of study, however, will only qualify you for admission to the bar, without giving you the title of a profound lawyer. As I have told you how you may get the name of a lawyer, I now refer you to the little volume* I loaned you a few days since, which teaches you how you may become one in truth, and a great one. Cordially reciprocating your sentiments of esteem and friendship, I am, &c.,

ROBT. AUGUSTUS BEALL.

MR. STEPHEN F. MILLER.

N.B.—Do not hesitate to call for any book in our office, and believe every thing I have at your service.

BEALL.

The author asks the privilege of recording his own grateful recollections of this timely response to his timid request. With more presumption than judgment, the author, dropping his humbler though safer employments, cast an anxious look at the bar and solaced himself with hopes which his poor abilities never permitted him to realize. Still, the retrospect has a mournful pleasure, even to this very letter. Then, Maj. Beall was a rising star of the first magnitude, popular with the masses and peculiarly fascinating in conversation, winning all hearts and extorting universal praise. It was gratifying to the author, then in his twenty-first year, to receive the friendly notice of such a man. Now, after the lapse of thirty years since the letter was written, it is the lot of the humble youth to whom it was addressed to rescue the memory of his warm-hearted friend from the mold of time and to pass it to a new generation.

Previous to his marriage, Maj. Beall was much from home on visits to his parents in Warren county and in attending courts at a distance to which he was called, especially for the defence of persons accused of high criminal offences. This was his forte. His pictures of distress, his withering anathemas of oppression, his persuasive manner and melting eloquence, seldom left the jury at a loss. Their sympathies and reason generally united in acquitting his client.

Besides the courts of his own county, he attended some half-

* Rathby's Letters to a Law Student, dedicated to Lord Loughborough.

dozen, not, however, with that punctuality and relish for business so essential to the building up of a successful practice. In fact, he could never submit long at a time to the drudgery of his profession. His clients often called at his office without an interview, and when they even had the good fortune to see him he would put them off until the last hour and then wholly neglect their business or despatch it hastily, perhaps imperfectly. In this way his papers became confused. He had no regular place for any thing,—kept no private docket showing the condition of his business. Interrogatories, notice to produce papers, the ordering of witnesses, and all that sort of preparation necessary in a cause, was too frequently omitted. In term, when the call of the docket roused his attention, he usually had some excuse to offer, which was urged with so much innocence and plausibility that the court indulged him from day to day and often granted him continuances. But, when forced to trial, whether all his testimony was at hand or not, the spirit of the case took full possession of him. From his zeal and readiness a casual observer would be apt to conclude that the dexterous advocate had applied himself with signal industry to office investigation.

At this point of his career, Maj. Beall offered an equal partnership to the author, which he gladly accepted. This was in November, 1828. Maj. Beall was then recently married, and had just returned from Milledgeville, where he had been defeated for the office of brigadier-general in an election to fill the vacancy caused by the resignation of Gen. Thaddeus G. Holt, who at that session had been restored to the bench from which he had been swept by the political tornado of 1825, so fatal to Troup office-holders, by legislative action. His successful competitor was Gen. Eli Warren, then a Representative from Laurens county, but now a citizen of Houston. He was of opinion that injustice had been done to his claims by the Legislature; for he had a military taste, was well versed in the discipline, and made an admirable figure on horseback at reviews. Indeed, he was as graceful in the saddle as he was elegant in the drawing-room. A clumsy motion or an undignified attitude was never perceived by the author during his ten years' close intimacy with Maj. Beall. He was a splendid reader. Passages from Shakspeare and other dramatic authors were given with all the conception and spirit of the finest tragedians. He was a great admirer of Cooper; and imitating no one, but following his own genius, he was the equal of Forrest and Macready in strong delineation of character, combining the

inspired energy of Kean, without the stage auxiliaries of either of them.

Well does the author recollect Maj. Beall's reading to a group of friends the celebrated debate between Hayne and Webster, on Foote's resolution in the Senate of the United States, as it came fresh from the reporters in 1830. He belonged to the Carolina school of politics; and as the champion Hayne flashed his trusty sword under the State-Rights banner, Maj. B. dwelt with special unction on passages which amounted, as he thought, to demonstration of the doctrine. Then came the majestic roll of Webster's drum. After days of dark weather at sea, a glimpse of the sun was taken and the latitude of the question ascertained. Webster uttered thoughts which electrified the world. Ancient or modern times never furnished the parallel of his speech on that occasion. His dying gaze on the flag of the Union was indeed sublime. The voice, the eye, the excited feelings of Maj. Beall, as he progressed in the reading, and the delight of the listeners, are fresh in the author's memory. The gifted statesmen whose words he repeated in a style of surpassing beauty are now in the grave, and so is the brilliant reader. Let no person start at the association of names, BEALL, HAYNE, WEBSTER; for in this order they left the world, at the ages of thirty-six, forty-eight, and seventy years, respectively.

In depth of sensibility and exalted passion, constituting the soul of genius, Robert Augustus Beall never, perhaps, had a superior, except in Lord Byron. This opinion may, by some, be termed extravagant; still, the author is candid in its avowal. He had full opportunities of analyzing his character in all the phases of fortune and temperament. A high order of genius, other qualities not being equal, is apt to render the possessor unhappy. Sheridan and Byron are noted examples: both singularly imprudent in the common affairs of life, and both died under a cloud,—one in adversity and the other in self-imposed exile, to escape from the horrors of his own mind. To this class of mortals, more to be pitied than condemned, we assign the subject of this memoir. If we exceed justice to the dead, the error at least has no sting.

But to resume our narrative.—In 1830, Gov. Gilmer appointed Maj. Beall one of his aides-de-camp, with the rank of lieutenant-colonel. He continued to appear with Maj. Gen. Wimberly at regimental reviews in the division, but in his new capacity as representative of the commander-in-chief. In January, 1832, Col. Beall removed with his family to the city of Macon, and opened a law-

office in connection with Col. Seymour, now of New Orleans. To discuss more prominently the political questions of the day, in which he felt a warm interest, Col. Beall purchased a share in the *Georgia Messenger*,—Mr. S. ROSE then, as now, and for the last thirty years, still retaining his position as publisher. Acting as principal editor, he espoused nullification with earnestness and ability, sounding the alarm and pointing to the authorized redress of the Virginia and Kentucky resolutions of 1798,—that inexhaustible fountain of vague construction which has perplexed so many honest inquirers after political truth. In the mean time the military aspirations of Col. Beall were gratified by the Legislature in electing him a brigadier-general. The extent of his practice at the bar was perhaps equal to his desire; for he delighted mainly in politics, and his ample fortune exempted him from the necessity of labor.

A vacancy in Congress having to be filled, the State-Rights party nominated Gen. Beall, and the Union party brought forward Gen. Glascock as his competitor. The vote was then by general ticket and the canvass was warmly conducted, the Union candidate prevailing by a small majority. Gen. Beall received frequent proofs of confidence from the people of Bibb county. Of the Anti-Tariff Convention in 1832, and the great State-Rights meeting, in 1833, at Milledgeville, (the night of the meteoric shower, 13th November,) he was an influential member and acted on the most important committees. As this was a noted meeting at the time, composed of many of the ablest men in Georgia, the author thinks proper to give some of the particulars. The Hon. CHRISTOPHER B. STRONG was appointed chairman, and the Hon. N. C. SAYRE and A. B. LONGSTREET acted as secretaries.

On motion of Judge Clayton, it was

Resolved, That a committee of thirteen be appointed by the chairman to propose resolutions expressing the sentiments of the State-Rights party in this State, and report to this meeting at its sitting.

The committee consisted of the following gentlemen, in the order named by the chair:—Hon. A. S. Clayton, Hon. William H. Crawford, Dr. William C. Daniell, Col. Seaborn Jones, Hon. Richard W. Habersham, D. P. Hilhouse, Esq., Col. Samuel Rockwell, A. H. Chappell, Esq., Geo. H. Young, Esq., Gen. Robt. A. Beall, Col. — Newton, Gen. Eli Warren, and Hon. Charles Dougherty.

As a source of information to the younger politicians of the State, as well as to preserve the original *Platform* itself, the author copies from the official proceedings of the meeting:—

The committee retired; and, having returned, reported through their chairman the following preamble and resolutions:—

The relations between the Federal and State Governments have assumed a peculiar and intense interest by reason of the events which terminated the deliberations of the last Congress. The long and angry contests which agitated the whole South, and had produced just complaints against the General Government, were brought to a close with its last session; but they were succeeded (and doubtless for the special purpose of subserving at some future period the very principles they were compelled to abandon) by the enactment of a law equally objectionable and certainly more dangerous to the liberties of the people than their former oppressions, and which, if permitted to endure, will ultimately perpetuate the usurpations which it was professed to be renounced. It is not difficult to perceive that allusion is here made to the Proclamation of the President of the United States, and the Force Bill, which was its legitimate consequence. The first document instantly revived the doctrines of the Federalists of '98, which had been put down by Mr. Jefferson, at the head of the Republicans; and now, parties are forming everywhere, and particularly in our own State, for the avowed purpose of supporting the principles of the Proclamation and Force Bill, thereby insidiously restoring to the Federal party the power which they lost under the elder Adams. To this end they have changed their name to one which is designed to play upon popular feeling; and, by the force of prejudice alone, they are aiming to re-establish principles which the good sense of the people absolutely rejected in 1801, as tending to the destruction of the Union and rearing upon its ruins a consolidated government. These facts have justly alarmed the friends of liberty in every quarter: and those Republicans who still adhere to the Virginia and Kentucky resolutions, the great moral instruments by which Mr. Jefferson effected the overthrow of the Federalists, are rallying to the defence of the Constitution of the United States from North to South by counter-associations, designed to reorganize the old Republican party and to check immediately the growth of the doctrines of the Proclamation, which must inevitably lead to consolidation if not successfully resisted. The object of the present meeting is, First, to constitute and form one of those associations for the express purpose of counteracting the designs of the Federal party lately reorganized in this State, who, under false colors, are inculcating the doctrine of John Adams in '98, and those of Daniel Webster at the present time; and, Secondly, for the further object of enforcing a systematic opposition to the Proclamation and Force Bill. These last measures have aimed a deadly blow at State Rights, and seem now to require the united and concentrated energies of the friends and advocates of those rights to be directed to this point of attack, deemed so important by our enemies to be carried, and in which, if success should crown their exertions, all that is dear and valuable to freedom will be wrested from the States.

That it may be distinctly understood what are the principles of this association, it will be necessary to show what are the doctrines of the Proclamation, and these are asserted in language which admits of no dispute.

1. It maintains that the States of which this Confederacy is composed never had a *separate* existence; for from the moment they ceased to be dependent on Great Britain, they formed *one nation*, and have so continued.

2. That a State in the exercise of its legitimate powers has not the right to decide upon the constitutionality of an act of Congress, and to protect its citizens from the operation of an unconstitutional act, and to maintain within her limits the authority, rights, and liberties appertaining to a sovereign State.

3. That the States have no right to secede from the Union under any circumstances whatever, inasmuch as secession would DESTROY THE UNITY OF THE NATION.

4. That the people of the twenty-four States constitute *one* people.

5. That the members of Congress "are all representatives of the United States, *not representatives of the particular States from which they come*, and that they are not accountable to it for *any act done in the performance of their legislative functions.*"

6. That "the States have not retained their entire sovereignty."

7. That the allegiance of our citizens is due to the United States "*in the first instance,*" and not to their respective States.

These are the doctrines of the Proclamation, and they have, at the special instance of the President, produced the Force Bill for their complete execution. This meeting doth solemnly protest against them, and as solemnly deny their legitimate deduction from the compact which established the Federal Government, and that the association now formed will resist them in every proper manner. To this end they

Resolved, That the present meeting be organized into an association to be denominated "THE STATE-RIGHTS PARTY OF GEORGIA," and recommend meetings in all the counties for the purpose of constituting similar associations, to be connected with that which will be formed at Milledgeville, as the central association.

Resolved, That the doctrines of the Virginia and Kentucky resolutions, as construed and understood by Mr. Jefferson, and triumphantly acted upon in 1825, 6, and 7, in this State, constitute the creed of the State-Rights party of Georgia; and that, as all such unconstitutional laws are null and void, we will, whenever the proper exigency arises, resist them in any manner the sovereign power of the State may order and direct.

Resolved, That we consider the Force Bill as a glaring infraction of State rights and a gross outrage upon the liberties of the people, and that its continuance upon the statute-book is such an act of usurpation as ought not to be submitted to by free and independent States, and that we will use our exertions to counteract the principles of the Proclamation and to obtain a repeal of said bill.

Resolved, That our Senators and Representatives in Congress be, and they are hereby, earnestly requested to demand an immediate repeal of the act of the last Congress, denominated the Force Bill, as being a palpable violation of the rights of the States, and the Federal Constitution.

Which having been read, a motion was made to postpone further action that they might be printed and taken up at a subsequent meeting; which motion was, by a vote of the meeting, negatived; and, on motion of Judge Clayton, it was

Resolved, That the report be taken up and read by paragraphs.

The report having been read, on motion of Judge Clayton, it was unanimously resolved that said preamble and resolutions be adopted and agreed to.

On motion of Judge Dougherty,

Resolved, That the editors of the States-Right papers in this State be

requested to publish the foregoing preamble and resolutions, accompanied by the Virginia and Kentucky resolutions, and that a copy of the same be transmitted to each of our Senators and Representatives in Congress.

On motion of Mr. Torrance,

Resolved, That the chairman of this meeting appoint a committee of thirteen, to be styled The Central Committee of the State-Rights Association of Georgia, to correspond with such associations in support of State Rights as have been, or may be, organized in the several counties of Georgia.

The chairman appointed the following gentlemen:—Wm. H. Torrance, David B. Mitchell, Joel Crawford, John H. Howard, Randall Jones, Samuel Boykin, L. Q. C. Lamar, Seaton Grantland, Irby Hudson, Samuel Rockwell, N. C. Sayre, Dr. Wm. Greene, and John Williams, Esqs.

On motion of Judge Clayton,

Resolved, That as a means of extending among the people an accurate knowledge of our principles, this meeting will patronize the paper called *The Examiner*, published by Condy Raguet, in the city of Philadelphia, and recommend to all the associations that may be formed in the several counties to do the same, and that those who may be disposed to subscribe for said paper apply to either of the secretaries of this meeting now or at a future period for that purpose.

With the revolution of parties in Georgia since 1833 the author has nothing to do and expresses no opinion. He has introduced this fragment as a part of the history of the times and for no other object.

By proclamation of Gov. Gilmer, the Legislature convened on the 18th day of October, 1830, to dispose of the Cherokee lands. Gen. Beall was a representative from the county of Twiggs, with Robert Hodges and Larkin Griffin his colleagues. The business of the session was urgent and complicated. Many questions arose and were discussed with marked ability. To glance at them in detail, and at the speakers who participated, would require more space than could be properly allowed in this work. Among the gentlemen prominent on the floor of the House were John H. Howard, C. J. McDonald, A. Hull, C. Dougherty, Thos. Haynes, Thos. W. Murray, Wiley Williams, Geo. H. Young, Irby Hudson, Wm. Turner, Wm. Schley, C. J. Jenkins, E. J. Black, Geo. W. Towns, and Dennis L. Ryan,—presenting an array of talent which would do credit to any legislative body.

Party strife rose high. The old distinctions of Troup and Clark were gradually wearing down in the grave issue as to the power of the Federal Government. The Senate adopted a set of resolutions on this subject, and also laudatory of President Jackson, which were sent to the House for concurrence. Gen. Beall offered a substitute in the following words, after reciting the Protest of the Legislature in 1828 against the Tariff:—

Be it therefore resolved, &c., That the State of Georgia, influenced by a sense of forbearance and respect for the opinions of the other States, and by community of attachment to the *Union*, so far as the same may be consistent with self-preservation and a determined purpose to preserve the purity of our republican institutions, having, in her sovereign character, *protested* against the Tariff, and, by inference, against its dependent measure, "internal improvement," as being an infraction of the sacred bond of our Union, demanded its repeal, and in perpetual testimony thereof deposited that *protest* and *demand* in the archives of the Senate of the United States, cannot now, adhering firmly and unalterably as she does to the declaration contained in that instrument, descend, without compromising her honor and dignity as a sovereign and independent State, to the measures of memorial and remonstrance, which having been patiently resorted to for years were utterly disregarded;—thus compelling her, in justification of her character to the present generation and to posterity, reluctantly to adopt the measure hereinbefore recited.

Resolved nevertheless, by the General Assembly of the State of Georgia, acting for and in behalf of the people thereof, That this State looks with the deepest solicitude to the re-election of General Jackson to the Presidency of the United States, because, in that event, we will have the certain guarantee that he will fearlessly go, as far as his official powers will warrant, "in arresting the profligate expenditure of the public money, extinguishing the public debt as speedily as possible, and restraining the government to its primitive simplicity in the exercise of all its functions."

The House Journal (p. 361) thus continues:—

Mr. Burnes moved the following resolution in lieu of the preamble and resolutions from Senate, and the foregoing preamble and resolutions offered by Mr. Beall, of Twiggs:—

Resolved, by the people of Georgia, through their Representatives, That they highly approve the opinions of President Jackson in behalf of the Union and rights of the States, and his administration generally, and that we earnestly recommend his re-election.

On the motion to receive said resolution as a substitute in lieu of the preamble and resolutions from the Senate, and the foregoing preamble and resolutions offered by Mr. Beall, of Twiggs, the yeas and nays were required to be recorded, and were,—Yeas, 57; Nays, 65.

So the House refused to receive Mr. Burnes's resolution as a substitute.

The question was then put on receiving the preamble and resolutions offered by Mr. Beall, of Twiggs, as a substitute for the preamble and resolutions from the Senate. On which motion the yeas and nays were required to be recorded, and are,—Yeas, 76; Nays, 45. So the House agreed to receive the preamble and resolutions offered by Mr. Beall, of Twiggs, as a substitute for the preamble and resolutions of Senate, and the said substitute agreed to by the House.

Without aiming to revive party creeds or associations to affect any gentleman, the author merely remarks that Messrs. Black, J. S. Calhoun, Dougherty, Haynes, P. S. Holt, Howard, Hudson, Jenkins, Ryan, Turner, and Young, voted for the substitute of Gen. Beall, and Messrs. Bates, Day, McDonald, Schley, Towns, and Wofford, voted against it.

It was at this session (1830) that the governor transmitted to the Legislature, on the day previous to adjournment, (the same day on which he received the original,) the copy of a mandate from the Chief-Justice of the Supreme Court of the United States, enjoining the execution of George Tassels, an Indian who had been convicted in Hall Superior Court of the crime of murder, and citing the State of Georgia to appear under the writ of error.

The following is an extract from Gov. Gilmer's communication:—

The object of this mandate is to control the State in the exercise of its ordinary jurisdiction, which in criminal cases has been vested by the Constitution exclusively in its Superior Courts.

So far as concerns the exercise of the power which belongs to the Executive Department, orders received from the Supreme Court for the purpose of staying or in any manner interfering with the decisions of the courts of this State, in the exercise of their constitutional jurisdiction, will be resisted with whatever force the laws shall have placed at my command.

If the judicial power thus attempted to be exercised by the courts of the United States is submitted to or sustained, it must eventuate in the utter annihilation of the State Governments, or in other consequences not less fatal to the peace and prosperity of our present highly-favored country.

After being read, the message was referred with the accompanying document to a select committee, consisting of Messrs. Haynes, Beall, of Twiggs, Schley, McDonald, and Howard, of Baldwin, on the part of the House, to join such committee as the Senate might appoint.

On the same day, (22d December,) Mr. Haynes, from the committee, made the following report:—

Whereas, it appears by a communication made by his Excellency the Governor to this General Assembly that the Chief-Justice of the Supreme Court of the United States has sanctioned a writ of error, and cited the State of Georgia, through her Chief Magistrate, to appear before the Supreme Court of the United States to defend this State against said writ of error, at the instance of one George Tassels, recently convicted in Hall county Superior Court of the crime of murder.

And whereas, the right to punish crimes against the peace and good order of this State, in accordance with existing laws, is an original and necessary part of sovereignty which the State of Georgia has never parted with.

Be it therefore resolved, &c., That they view with feelings of the deepest regret the interference by the Chief-Justice of the Supreme Court of the United States in the administration of the criminal laws of this State, and that such an interference is a flagrant violation of her right.

Resolved further, That his Excellency the Governor be, and he and every other officer of this State is hereby, requested and enjoined to disregard any and every mandate and process that has been or shall be served upon him or them, purporting to proceed from the Chief-Justice, or any

Associate-Justice, or the Supreme Court of the United States, for the purpose of arresting any of the criminal laws of this State.

And be it further resolved, That his Excellency the Governor be, and he is hereby authorized and required with all the force and means placed at his command by the Constitution and laws of this State, to resist and repel any and every invasion from whatever quarter, upon the administration of the criminal laws of this State.

Resolved, That the State of Georgia will never so far compromise the sovereignty as an independent State as to become a party to the cause sought to be made before the Supreme Court of the United States by the writ in question.

Resolved, That his Excellency the Governor be, and he is herewith, authorized to communicate to the Sheriff of Hall county, by express, so much of the foregoing resolutions and such orders as are necessary to insure the full execution of the laws in the case of George Tassels, convicted of murder in Hall county.

The House Journal (p. 448) states that Mr. Turner offered the following as a substitute to said report, to wit:—

Whereas, the circumstances under which the citation to the State from the Supreme Court of the United States in the case of Tassels, an Indian, convicted of murder in the Superior Court of Hall county, are unfavorable to calm deliberation; and whereas, the General Assembly have confidence in the intelligence of the Executive and Judicial Departments of the Government of this State, into whose cognizance the case of Tassels will more immediately come,

Resolved, That the action of the General Assembly is deemed unnecessary at the present time in the case of George Tassels aforesaid.

On the question to accept this substitute the yeas were 11; nays, 62. Among the former were Messrs. Day, McDonald, Schley, Turner, and C. Wellborn.

On the question to agree to the original report the yeas were 73; nays, 10. Among the latter were Messrs. Day, McDonald, Schley, Turner, and C. Wellborn.

The next day the Senate concurred in the report, and at the appointed time the prisoner was executed under the sentence which his counsel attempted to reverse by writ of error. The case was not further prosecuted, as no relief could reach the plaintiff, thus avoiding the conflict of jurisdiction between the Federal and State Governments in the last resort, practically.

As another scrap of political history deserves preservation, the author makes no apology for a somewhat-extended notice of the Anti-Tariff Convention held at Milledgeville, and especially as Gen. Beall was a delegate from Bibb, and prominent in its deliberations. The official record of its proceedings is now before the author, and he copies the names of all the delegates, with such other matters as seem most relevant.

The Convention met in the Representative Chamber at three o'clock in the afternoon of Monday, 12th November, 1832, when the following delegates appeared from their respective counties:—

1. Appling—*Malcolm Morrison*.
2. Baker—*Young Allen*.
3. Baldwin—*William H. Torrance and Saml. Rockwell*.
4. Bibb—*Robert A. Beall and Robert Collins*.
5. Bullock—*Samuel L. Lockhart*.
6. Burke—*J. Lewis, E. Hughes, and David Taylor, Jr.*
7. Camden—*H. R. Ward and J. Hull*.
8. Cherokee—*Z. B. Hargrove and W. W. Williamson*.
9. Clark—*A. S. Clayton, Thos. Moore, and J. Ligon*.
10. Columbia—*Isaac Ramsey, W. A. L. Collins, and J. Cartledge*.
11. Coweta—*Thos. Watson and Owen H. Kenan*.
12. Crawford—*Henry Crowell and Hiram Warner*.
13. Decatur—*Drury Fort and Jehu W. Keith*.
14. De Kalb—*Lewis J. Dupree, D. Kiddoo, and O. Clark*.
15. Dooly—*Thomas H. Key*.
16. Early—*Josiah S. Patterson*.
17. Effingham—*Clem. Powers*.
18. Elbert—*Beverly Allen, I. N. Davis, and J. M. Tate*.
19. Emanuel—*John R. Daniel*.
20. Glynn—*Thomas Butler King*.
21. Greene—*W. C. Dawson, J. G. Matthews, and W. Greer*.
22. Gwinnett—*J. G. Park, W. Maltbie, Hines Holt, and S. McMullin*.
23. Hall—*W. H. Underwood, J. McAfee, R. Sanford, and N. Garrison*.
24. Hancock—*Thos. Haynes, Tully Vinson, and James Lewis*.
25. Harris—*Jacob M. Guerry and Barkly Martin*.
26. Heard—*Rene Fitzpatrick*.
27. Henry—*A. R. Moore, Gibson Clark, J. Johnson and J. Coker*.
28. Houston—*Walter L. Campbell, Hugh Lawson, and C. Wellborn*.
29. Irwin—*William Stone*.
30. Jackson—*David Witt, J. Park, and J. G. Pittman*.
31. Jasper—*Alfred Cuthbert, D. A. Reese, and M. Phillips*.
32. Jefferson—*Roger L. Gamble and Philip S. Lemlie*.
33. Jones—*W. S. C. Reid, J. L. Lewis, and T. G. Barron*.
34. Laurens—*David Blackshear and Eason Allen*.
35. Lee—*John G. Oliver*.
36. Lincoln—*Rem Remson and Peter Lamar*.

37. Madison—*Thos. Long* and *W. M. Morton*.
 38. Marion—*Wiley Williams*.
 39. McIntosh—*Thomas Spalding* and *James Troup*.
 40. Meriwether—*W. D. Alexander* and *Hugh W. Ector*.
 41. Monroe—*John Macpherson Berrien*, *Thos. N. Beall*, *Geo. W. Gordon*, and *Elbridge G. Cabiness*. 1921409
 42. Montgomery—*Joseph Ryals*.
 43. Morgan—*W. S. Stokes*, *Van Leonard*, and *C. Campbell*.
 44. Muscogee—*Allen Lawhon* and *A. S. Clifton*.
 45. Newton—*Charles Kennon*, *Richard L. Sims*, and *Seth P. Storrs*.
 46. Oglethorpe—*George R. Gilmer* and *John Moore*.
 47. Pulaski—*Burwell W. Bracewell*.
 48. Putnam—*L. W. Hudson*, *C. P. Gordon*, and *W. W. Mason*.
 49. Rabun—*Samuel Farris* and *Henry T. Mosely*.
 50. Randolph—*Benjamin Holland*.
 51. Richmond—*John Forsyth*, *William Cumming*, and *John P. King*.
 52. Scriven—*A. S. Jones* and *P. L. Wade*.
 53. Talbot—*Samuel W. Flourney* and *N. B. Powell*.
 54. Taliaferro—*Absalom Janes* and *S. C. Jeffries*.
 55. Tatnall—*Joseph Tillman*.
 56. Thomas—*William H. Reynolds* and *A. J. Dozier*.
 57. Troup—*Samuel A. Bailey* and *Julius C. Alford*.
 58. Upson—*Reuben J. Crews* and *John Robinson*.
 59. Walton—*Thos. W. Harris*, *T. J. Hill*, and *Orion Stroud*.
 60. Warren—*Henry Lockhart* and *Thos. Gibson, Jr.*
 61. Washington—*S. Robinson*, *J. Peabody*, and *Morgan Brown*.

From the above roll, it appears that one hundred and thirty delegates presented credentials from sixty-one counties. The Hon. GEORGE R. GILMER was elected president, and William Y. Hansell, Benjamin T. Mosely, and Mansfield Torrance, Esqs., were appointed secretaries.

On motion of Mr. Torrance,

Resolved, That a committee of twenty-one be appointed, whose duty it shall be to report resolutions expressive of the sense of this Convention in relation to the Protective System, and the best and most efficient mode of obtaining relief from the evils of that system; and that the said committee be further instructed to report what objects ought to engage the attention of this Convention, and what will be the most efficient means of accomplishing the same.

After the appointment of a Committee on Rules to govern the

Convention, nothing more was done the first afternoon. On the second day, Mr. FORSYTH submitted the following:—

Resolved, That a committee of five be appointed by the president to examine and report to this body at its next meeting, the authority of the persons assembled as Delegates from the different counties of the State to represent the people of their respective counties; the resolutions, if any, under which the election in each county was held; the notice given of the time of the election; the manner of holding it, the number of votes given at the election, and the number of voters in the county.

Resolved, That the individuals who have been elected as a committee of what is known as the Athens meeting, be, and they are hereby, requested to present to this body the correspondence they have held connected with the object of their appointment.

Mr. Torrance offered, in lieu of the first resolution, the following as a substitute:—

Resolved, That a Committee of Elections and Appointments be now appointed to inquire into the right of any member to hold his seat, whenever the same shall be contested, and report the facts to the Convention.

After a little skirmishing the resolutions and substitute were laid on the table for the present. The president then announced the appointment of the Committee of Twenty-one, to wit:—Messrs. Blackshear, Berrien, Forsyth, Cumming, Clayton, Cuthbert, Gamble, Reese, Spalding, Tait, Rockwell, Beall, of Bibb, Taylor, of Burke, Bailey, Warner, Dawson, Haynes, Gordon, of Putnam, Clark, of Henry, Janes, and Harris.

On the third day, on motion of Mr. Rockwell,

Resolved, That the Governor, President of the Senate, Speaker of the House of Representatives, Judges of the Superior Courts, and the Hon. David Johnson and Chancellor Harper, of South Carolina, and editors and reporters of newspapers, be provided with seats within the bar.

The Convention then resumed the unfinished business of the previous day and took up the first resolution of Mr. Forsyth, which, being read, Mr. Berrien proposed to amend it by striking out the following:—“The resolutions, if any, under which the election in each county was held; the notice given of the time of the election; the manner of holding it, the number of votes given in the county”—and insert in lieu thereof the following words, to wit:—“and that the report of the said committee, when approved by this Convention, shall be attached to the proceedings of this body, to be submitted to the people of Georgia for their approbation or rejection.”

Perhaps on no other occasion in Georgia was there such an imposing display of eloquence. Mr. FORSYTH stood forth in the

majesty of his intellect and the graces of his unrivalled elocution. For three days the Convention and the crowded galleries listened to the debate with rapt attention. All conceded the victory to Mr. FORSYTH in the preliminary discussion. He seemed as a giant, bearing down all obstacles in his way. Mr. BERRIEN took the floor amid plaudits from the gallery. He waved his hand and shook his head gravely, his beaming face upward, to repress the demonstration in his favor. What delight he afforded all present by his polished style and sweet delivery, may be imagined by those who ever had the good fortune to hear this American Cicero. Other speakers participated in the discussion; but the author does not remember all of them, although a spectator. Col. WILLIAM CUMMING, in point of dignity and force, called to mind a proud Roman Senator. Messrs. CLAYTON, TORRANCE, ROCKWELL, CUTHBERT, SPALDING, BEALL, G. W. GORDON, HAYNES, and ALFORD, were among the principal debaters. Gov. GILMER made an argument with his usual zeal and ability on the main question, at another stage of the Convention.

In the mean time the president submitted to the Convention communications from the Hon. David Johnson and Chancellor Harper, touching political events in South Carolina, which were severally referred to the Committee of Twenty-one.

On Friday, Gen. BLACKSHEAR, Chairman of the Committee of Twenty-one, made a report, which was read to the Convention by Mr. BERRIEN, the author of the report. It is too long for insertion here, though its ability would interest the political reader. After a brief preamble, it affirms,—

1. That the Federal Government is a confederacy formed by the States composing the same, for the specific purposes expressed in the Constitution, and for those alone.

2. That every exercise by the Federal Government, or by any department thereof, of powers not granted by the Constitution, notwithstanding it may be under the forms of law, is, in relation to the constituent States, a mere usurpation.

3. That a government of limited powers can have no constitutional right to judge in the last resort of its own use or abuse of the powers conferred upon it, since that would be to substitute for the limitations of the constitutional charter the judgment of the agents who were employed to carry it into effect,—to annihilate those limitations by a power derived from the same instrument which created them.

4. That the Federal Government is a government the powers of which are expressly limited by the Constitution which created it, and can therefore have no constitutional right to judge in the last resort of the use or abuse of those powers.

5. That it is essential to a confederated government, the powers of

which are expressly limited by the constitution which creates it, that there should exist somewhere a power authoritatively to interpret that instrument,—to decide in the last resort on the use or abuse of the authority which it confers upon the common agent of the confederating States: that such a power cannot belong to the agent, since that would be to substitute his judgment for the constitutional limitation; and that, in the absence of a common arbiter expressly designated by the Constitution for this purpose, each State as such for itself, and in virtue of its sovereignty, is necessarily remitted to the exercise of that right.

6. That the several States composing this Union were, at the adoption of the Federal Constitution, free, sovereign, and independent States; that they have not divested themselves of this character by the relinquishment of certain powers to the Federal Government,—having associated with their sister states for purposes entirely compatible with the continued existence of their own original freedom, sovereignty, and independence.

The seventh resolution declares the several Tariff acts of Congress, designed for the protection of domestic manufactures, unconstitutional and void. The eighth avers attachment to the Union, and perseverance in the means of redress. The ninth refuses to submit, and asks for consultation and concert with sister States to resist usurped authority; and the tenth recommends the aggrieved States to hold a Southern Convention. The eleventh authorizes the president to appoint five superintendents in each county to take the sense of the people on the proceedings of the Convention, by voting at polls to be kept open from the 15th December until the second Monday in February then next. The twelfth requires public notice of the result to be given, and the citizens to elect, by general ticket on the fourth Monday in March, delegates to represent Georgia in the proposed Convention of States. The thirteenth is for the Convention to meet again on the first Monday in July. The fourteenth is the following:—

Resolved, That the President of this Convention do communicate the foregoing resolutions, from one to ten inclusive, to the Governors of the several Southern States having common interests with us in the removal of the grievances of which we complain; to the Governors of the other States at his discretion, and asking them to give publicity to the same within their respective States, and earnestly inviting them to unite with us in Convention as the sure, perhaps the only, means of preserving the peace of the Union.

The three other resolutions provide for the appointment of a Central Committee in Baldwin, to whom all the county superintendents shall certify the action before them; for the publication of twenty thousand copies of the proceedings of the Convention, &c.

In the appendix to the Journal of the Convention, it is stated

that the following substitute to the Report of the Committee of "Twenty-one" was offered by Mr. FORSYTH, in committee, and rejected:—

Resolved, That it is not necessary to reiterate in a new form the opinions of the people on the subject of the Tariff, or the necessity for the abandonment of the protective system, to preserve the Union and to maintain harmony among the States.

Resolved, That a Southern Convention should be called to consult on the best measures to procure a final and speedy abandonment of it by the General Government.

Resolved, That the Legislature should provide for the appointment of Delegates to meet a Southern Convention whenever ALL THE STATES south of the Potomac and north of the Mississippi agree to appoint their delegates for that purpose.

Before a vote was taken in the Convention on the Report of the Committee of "Twenty-one," and after the rejection of his resolution touching the "authority of gentlemen to speak in the name of the people," Mr. FORSYTH laid on the secretary's table a protest signed by himself and about fifty other delegates, all of whom then retired together from the Convention. The scene was very exciting, but it passed off quietly, and the remaining majority proceeded with their business as though nothing material had occurred to weaken their deliberations.

After sundry propositions and a few slight amendments, the report was agreed to by a vote of,—Yeas, 64; Nays, 6. Comparing the roll as given with those voting on the adoption of the report, the names of the seceding delegates are pretty well ascertained; and on this basis the author has marked them in *italics*, merely for reference as to old party divisions.

Two important committees were appointed,—one to address the people of Georgia, consisting of Messrs. Berrien, Clayton, Gordon, of Putnam, Beall, of Bibb, and Torrance; and the other, styled the "Central Committee," consisting of Messrs. W. H. Torrance, S. Rockwell, John H. Howard, Samuel Boykin, and James S. Calhoun, whose duty it should be "to take all necessary steps to giving effect to the measures of this Convention,"—both of which committees soon afterwards published able addresses to the people of Georgia on the matters with which they were respectively charged.

The author has dwelt freely on these topics for the principal reason that the young men of the State may understand the condition of parties more than twenty years ago, at a season of great peril to the Union; and also because the Convention referred

to was anterior to the "Ordinance of Nullification" in a sister State,—all the proceedings in Carolina in opposition to the Tariff having the hearty sanction of Gen. Beall, whose opinions are to be illustrated by facts. Of the ten gentlemen on the two committees who thus appealed to the people of Georgia against the oppressions of the General Government, Maj. Howard is the only survivor! No formal action was ever had at the ballot-box to carry out the objects of the Convention.

One incident, or rather legislative expression, though omitted at the proper place, connected with the public life of Gen. Beall, the author begs to introduce here. At the session of 1830, the late Gov. Towns, then a Representative, offered in the House a set of resolutions, the character of which may be inferred from the closing sentence of one of them:—"That disunion, it is firmly believed, will bring in its train discord, misery, and civil war; and finally, that the people of this State deem those as their worst and bitterest enemies who seek to sow the seeds of disunion, and introduce the wretched doctrines of Consolidation and Nullification amongst them." On the motion of Mr. Dougherty they were laid on the table for the present,—Yeas, 86; Nays, 42. Mr. Bailey then moved to lay on the table, for the balance of the session, the resolutions of Gen. Beall, (to be seen elsewhere in this memoir,) and those offered by Mr. Murray, which was refused,—Yeas, 49; Nays, 74. On the question to adopt the preamble and resolutions of Gen. Beall, Mr. Brewster, of Gwinnett, moved to amend by adding,

And be it further resolved, That the people of Georgia disapprove of the political opinions of the Hon. George M. Troup, as expressed in his toast at the Jefferson celebration dinner at Washington City, and in his letter replying to an invitation to the Columbia dinner.

The amendment was, on motion of Mr. Turner, laid on the table for the remainder of the session,—Yeas, 93; Nays, 31. Among those voting against laying the amendment on the table, were Messrs. McDonald, Schley, and Towns.

To understand what Mr. Brewster sought to condemn, the toast is here introduced:—

By Gov. Troup, of Georgia. The Government of the United States: With more limited powers than the Republic of San Marino, it rules an empire more extended than the Roman, with the absoluteness of Tiberius, with less wisdom than Augustus, and less justice than Trajan and the Antonines.

The following is an extract from Gov. Troup's letter of September 21, 1830, referred to in the amendment:—

Whatever the people of South Carolina in Convention shall resolve for their safety, interest, and happiness, will be right, and none will have the right to question it. You can change your own government at pleasure, and therefore you can throw off the government of the Union whenever the same safety, interest, and happiness require it.

The author has thus followed Gen. Beall through his public career; and he concludes by a brief notice of his family, his declining health, and his religious opinions.

Gen. Beall inherited the full name of his venerable father, who for many years resided in the county of Warren. Major Robert Augustus Beall, Sr., was universally beloved for his intelligence and virtues. He was a gentleman of easy address, and retained the etiquette of the olden time. He had a large family of children, mostly daughters, whom he educated in the best manner. His liberal hospitality, and the expense of sustaining a fashionable position in society, impaired his fortune and caused him to experience reverses in his old age. He bore all, however, with composure. At the election for commissioners to distribute the Cherokee lands by lottery, in 1831-2, he was chosen by the Legislature as one of the Board; and, though infirm from age, he discharged his duties to the entire satisfaction of the public. He died some twenty years ago. Dr. Henry Lockhart of Apalachicola, Edward B. Young, of Eufaula, William H. Young and Robert M. Gunby, of Columbus, Robert Billups, of Texas, and John Billups, of Alabama, married his daughters. He had other children, two sons, William and Josias, with whom the author was slightly acquainted. The latter, Josias B. Beall, was killed in Texas at the massacre of Fannin's and Ward's command at Goliad, in 1836.

In October, 1828, Gen. Beall intermarried with Caroline, the heiress of Richard Smith, Esq., a wealthy citizen of Twiggs county. The portion of his wife was large, consisting of lands, slaves, and other valuables. Considerably in debt at the time, and having no skill or talent for accumulation, Gen. Beall permitted his affairs to become entangled in spite of the proceeds of his estates. The income reported by his managers was not equal to the lawful interest on the capital employed in this form. He took up the idea that, by converting his property into bank-stock, it would be more productive in the shape of dividends, on which he might check at pleasure. He sold his estates, retaining servants for the household, but the money was never converted into bank securities. An

expensive style of living, and constant drains upon his purse, of which he did not see the drift at the time, led to a wreck of his fortune in eight years. His hospitality was that of a prince. No man could dispense the honors of such a life more gracefully, or with happier effect on his guests.

The health of Gen. Beall was never robust. His complexion was always bilious, and he had frequent attacks of colic from which he suffered severely. The following letter to the author shows his condition at such times:—

MACON, February 10th, 1832.

DEAR MAJOR:—Will you be at Houston Court? If yea, carry over our papers; and if not, send them so as to reach there early Monday morning.

From the present state of my health, I consider it very doubtful whether I shall be able to attend. I last night took an emetic which threatened for some time serious consequences. It produced, in the first instance, cramp in my stomach, which finally extended to all my limbs. I was finally relieved by the professional skill of Dr. Baber.

I made out a set of interrogatories in the case of —, in which we are counsel for the defendant, to take the testimony of —, and left them with a friend for Judge Holt to carry down. They were neglected to be given to him and mislaid.

Will you make out another set, and forward them to M. Myers, Esq., for execution? I do not know what questions to ask, but our client requests it, and he is entitled to have his wishes gratified. Ask her if — did not give the negro to his wife upon their separation, &c., and any other questions which may occur to you. Ask her what she stated to — in Marion, on the subject of —'s title to the negro.

Yours truly,

ROBT. A. BEALL.

He was compelled to be abstemious in diet; and amidst the dissipated company into which his late hours threw him, he never drank to intoxication. He was generally cheerful, and always ready to converse with his friends, even after his heaviest losses, without betraying his inward struggles. With the people he was a decided favorite, ever accessible and friendly. His countenance had a firm, yet benignant expression; it was lit up by dark, sparkling eyes, that charmed all who gazed upon them. He was an adept in human nature; and his success in controlling the minds of men by his suavity was an obstacle to his advancement in the law by enabling him to achieve by words easily uttered what others had failed to accomplish by hard labor,—the satisfaction of clients. As before stated, he put off drudgery to the last. When forced, however, to apply himself, he would toil with his pen, or at his books, the whole night, and come into court next morning fresh and courteous, with triumph on his brow.

Previous to 1835, Gen. Beall had been a skeptic in religion. During a revival in Macon that year, under the ministry of the Rev. John Howard, his infidelity was crushed and he became a new man, rejoicing in the pardon of his sins. He connected himself with the Methodist Episcopal Church, and was frequently called on to pray in public. He engaged with zeal in the services of the sanctuary, and with happy effect on the minds of others. His mortal career was now drawing to a close. In the spring of 1836, his constitution gave way, and, after a lingering illness of several months, he died in peace, July 16, 1836. His death produced a deep sensation in the community. Extensive funeral honors were paid him. The bar, and literary societies of which he was a member, manifested peculiar respect for his memory. The press teemed with eulogies; and men of all parties united in confessing his extraordinary gifts, and the lofty qualities which marked his character;—all mourned his exit as a public loss.

Such was ROBERT AUGUSTUS BEALL,—a man of worth and infirmity.

III.

JOHN MACPHERSON BERRIEN, LL.D.

THE annals of America furnish many distinguished names in the Cabinet and in the field, in the Judiciary and in the halls of legislation. JOHN MACPHERSON BERRIEN has been too recent an actor in public affairs for his character as yet to possess that influence over the minds of men which it is destined to exert. While living, he had to encounter an active political rivalry which was not always scrupulous in the means employed to gain its point. He lived to establish a reputation of which any orator, jurist, statesman, or scholar, might justly be proud. It will be the object of the author to gather up a few broken fragments in the history of this remarkable man, and to render that justice to his memory which an admiring public will readily sanction.

Of his ancestry much might be said to gratify his descendants. On the revocation of the Edict of Nantz by Louis XIV., in 1685, withdrawing from the Protestants the security afforded them in the exercise of their religion by Henry IV., in 1598, the best blood of France was dispersed in foreign countries. America became the asylum of many of the persecuted religionists, called Huguenots originally in contempt, but now a term which has a universal significance, conveying the ideas of fortitude and the loftiest virtues. His paternal ancestors descended from the Huguenots who fled from France into Holland when the Edict of Nantz was revoked. John Berrien, his grandfather, was one of the judges of the Supreme Court of New Jersey; and his father, Major John Berrien, at a very early age removed to Georgia. He was with Washington's army at Valley Forge, participated gallantly in the battle of Monmouth, June 28, 1778, and in several other engagements. He continued in the service until the close of the war. In the mean time he married, at Philadelphia, Margaret Macpherson, whose brother, John Macpherson, was aid-de-camp to General Montgomery, and fell with him at Quebec. Another brother was General William Macpherson, who gave up his commission in the British army and escaped to the American lines, in which he rendered efficient service.

In the house occupied by General Washington as head-quarters whence he issued his farewell address to the army, JOHN MACPHERSON BERRIEN was born on the 23d day of August, 1781, in the State of New Jersey. His father brought him to Georgia when he was only a few months old. When of a suitable age, he was sent to various schools in New York and New Jersey. He graduated at Princeton at the age of fifteen. The late Judge Gaston, of North Carolina, was a classmate.

On his return to Georgia, he read law in the office of the Hon. Joseph Clay, and was admitted to the bar in 1799, before he completed his eighteenth year. In 1809, he was elected Solicitor-General, and the next year Judge of the Eastern circuit. The latter office he held four terms. While on the bench, the question of the constitutionality of the alleviating law came before him; and, in a convention of all the judges at Augusta, he delivered the opinion declaring the act to be unconstitutional. This was a triumph of law over popular excitement. The people were distressed in financial matters, and had elected a majority to the Legislature to grant relief, even to the suspension of debts, or at least of the process enforcing them. The public judgment has long since exploded all such measures as the veriest trifling with difficulties, to say nothing of the principle.

While war existed with Great Britain from 1812 to 1815, Judge Berrien was elected to the command of a regiment of volunteer cavalry, which rendezvoused at Darien, watching the British forces on St. Simon's Island and elsewhere in that quarter. No opportunity, however, of conflict with the enemy occurred. He thus united the civil and military character in as perfect a model as the forum and the camp ever presented; for he was not the man to hold any office without making it honorable by the dignity and qualifications which he brought to the discharge of its duties.

The only time when complaint or dissatisfaction was even whispered on account of any of his judicial acts was when he gave sentence on the trial of Hopkins for the murder of McIntosh. It seems that the overseer of Hopkins assisted his escape in a boat, and had no further connection with the offence. On conviction for manslaughter, the principal was sent to the penitentiary *without labor*, and the overseer was subjected to *hard labor* for a term of years. The public, not acquainted with the facts, became indignant at the discrimination,—the rich culprit to lounge at his ease in the State prison, while his poor, innocent friend was doomed to

the anvil or the workbench in constant toil, in sight of each other. An investigation was demanded by Judge Berrien, and, at the session of the Legislature in 1818, both Houses decided unanimously that there was no just ground for the charge. The fact was, the presiding judge saw that to compel Mr. Hopkins, in his feeble condition, to perform the ordinary labor of a convict would be to take his life by judicial execution when a less punishment was all that the law authorized. Such an act of humanity, so far from deserving censure, merits approbation. It required moral courage of a high order to confront the possibilities of misconstruction, and to vindicate the act when assailed.

After closing his judicial career with the highest credit to himself and with the hearty approval of the people of Georgia, Judge Berrien consented to serve his fellow-citizens of Chatham county, in the years 1822 and 1823. During the latter session,* as Chairman of the Judiciary Committee, he introduced the following:—

Resolved, by the General Assembly of the State of Georgia, That it is expedient that some fit and proper person should be appointed by the Legislature at its present session to compile and digest the statute-laws of England that are now in force in the State of Georgia, and whose duty it shall be within two years to report the same to his Excellency the Governor, who, after the same has been examined of three learned in the law, to be appointed by him for that purpose, shall approve or disapprove of the same, and for their said services shall be paid by the Governor out of the contingent fund; and when the said work shall be performed and approved, that his Excellency the Governor be, and he is hereby, authorized to subscribe for two thousand copies in convenient bound volumes: Provided, the same does not exceed the price of four dollars per volume, to be disposed of and distributed as the Legislature may direct.

This resolution passed both Houses, and was approved by the Governor, who appointed the Hon. Thomas U. P. Charlton, William Davies, and Charles Harris, of Savannah, to examine the work prepared by the Hon. William Schley,—well known to the profession as Schley's Digest.

His abilities were so conspicuous in the State Senate that Mr. Berrien was elected in 1824 to the Senate of the United States, and took his seat in that body March 4, 1825, at a time when it was an honor indeed to represent a sovereign State in the Councils of the Union. Unfortunately, the Senatorial robes do not confer as much reputation in these latter days, owing to causes easily understood. While something is lost on the score of dignity by

* See Senate Journal, p. 178.

the contrast, much is perhaps gained to *popular rights*, among which may be included the right of very moderate men to exercise high public trusts. Judge Berrien at once took a commanding position in the Senate. He shared in the debates only on important questions, and then, maturely prepared as he never failed to be, his arguments were sustained by a logic and eloquence which gave universal delight. When Judge Berrien entered the Senate of the United States, in 1825, he was in the forty-fourth year of his age,—bordering on that golden period when enthusiasm usually abates and the purer offices of the intellect are brought into full action. He had quite a youthful appearance, and gained from Chief-Justice Marshall the appellation of the “honey-tongued Georgia youth.”

At the session of the Legislature of Georgia in 1828, a “Protest” against the Tariff was adopted, which was committed to our Senators, Judge Berrien, and his colleague, Hon. O. H. Prince, to be laid before Congress. In January, 1829, Judge Berrien submitted this document in a style so beautiful and impressive that his speech on the occasion was justly termed by the press a *model* of its kind. The title of *American Cicero* was accorded to him, and never did he forfeit the proud distinction.

On the election of General Jackson to the Presidency, in 1828, that distinguished personage tendered the office of Attorney-General to Judge Berrien, thus making him one of his constitutional advisers. It was accepted, and in March, 1829, he resigned his seat in the Senate and passed into the Cabinet. No man had brighter prospects or a smoother way, to all appearances. The first annoyance to which he was subjected was a complaint by Gen. Call that the office of Attorney-General brought him in conflict with a large number of important land-claims in Florida, in which he had been previously of counsel adverse to the United States, and that the President was not apprized of this relation when he made the appointment. Judge Berrien promptly met the charge, and asserted that he distinctly informed Gen. Jackson of his professional connection with these claims, and reserved the right to fulfil his existing engagements with his clients. With this understanding he accepted the office of Attorney-General, and nothing more was heard on the subject.

When he removed to Washington City as a member of the Cabinet, his family consisted mostly of daughters, Mrs. Berrien having died a short time previously. This fact is mentioned here as applicable to the cause which led to the dissolution of the

Cabinet in 1831. No attempt to give the history of this affair will be made further than is necessary to place the conduct of Mr. Berrien in its true light. The sympathies of the President had been invoked by his Secretary of War (Maj. Eaton) in his domestic affairs, because certain members of the Cabinet (all, indeed, except Mr. Van Buren, who was a widower) had omitted those courtesies which society had established respecting formal visits or calls, either in person or by card, as the case might happen,—that Mrs. Eaton was not honored by the presence of those gentlemen or their families at her regular levees, nor were her “calls” returned. The cry of *persecution* was raised, which touched the sensibilities of Gen. Jackson, who rashly undertook to “regulate” these family matters. The consequence was that his authority in this sphere was not admitted, each gentleman leaving his own family to decide upon their company. Dissensions continued to increase. Gen. Jackson was not in the habit of yielding his point; nor were the Attorney-General, Secretary of the Treasury, and Secretary of the Navy, (Berrien, Ingham, and Branch,) disposed to surrender their domestic government to his dictation. They at once resigned. Much was said on the subject at the time. The *United States Telegraph*, edited by Gen. Duff Green, was the official organ of the administration; but adhering to Mr. Calhoun in his quarrel with the President, simultaneously with the rupture of the Cabinet, it was superseded by the *Globe*, with F. P. Blair as editor, who denied the retiring members of the Cabinet the privilege of vindicating their course through its columns. Mr. Berrien, as also Messrs. Ingham and Branch, severally published addresses to the people of the United States, setting forth the whole matter in quite a spirited array. *Niles' Register*, and all the leading papers of the day, copied the appeals, and the counter-statements of all the high functionaries concerned. Mr. Berrien never wrote with more animation and eloquence than in this controversy.

The following correspondence between Mr. Berrien and the President is submitted:—

WASHINGTON, June 15, 1831.

SIR:—I herewith tender to you my resignation of the office of Attorney-General of the United States. Two considerations restrained me from taking this step at the moment when your communication to the Secretary of the Treasury, announcing your determination to reorganize your Cabinet, first met my eye. There was nothing in the retirement of the Secretaries of State or of War, or in the distinct and personal considerations which they had assigned for this measure, which made it obligatory upon, or even proper for, me to adopt a similar course. Such a step, with any reference to that occurrence, could only become so on my part as an act

of conformity to your will. You had felt this, and had announced your wishes to the Secretaries of the Treasury and Navy respectively. I had a right to expect a similar communication of them, and conformed to the wishes and opinions of my fellow-citizens of Georgia when I determined to await it. An additional consideration was presented by the fact that I had been charged, at the moment of my departure from this place, with the performance of certain public duties which were yet unfinished, and my report concerning which you did not expect to receive until my return. I was gratified to learn from yourself that you had taken the same view of the subject, having postponed the communication of your wishes to me until my arrival at this place, without expecting in the mean time any communication from me. It is due to myself further to state that, from the moment when I saw the communication referred to, I have considered my official relation to you as terminated, or as subsisting only until my return to the city should enable me to conform to your wishes by the final surrender of my office, which it is the purpose of this note to make.

I retire, then, sir, with cheerfulness from the station to which your confidence had called me, because I have the consciousness of having endeavored to discharge its duties with fidelity to myself and to the country. Uninfluenced by those considerations which have been avowed by that portion of my colleagues who have voluntarily separated themselves from you, totally ignorant of any want of harmony in your Cabinet, which either has or ought to have impeded the operations of your administration, I performed this act simply in obedience to your will. I have not the slightest disposition to discuss the question of its propriety. It is true that, in a government like ours, power is but a trust to be used for the benefit of those who have delegated it, and that circumstances might exist in which the necessity of self-vindication would justify such an inquiry. The first consideration belongs to those to whom we are both and equally accountable. From the influence of the second you have relieved me by your explicit declaration that no complaint affecting either my official or individual conduct has at any time reached you. You have assured me that the confidence which induced you originally to confer the appointment upon me remains unshaken and undiminished, and have been pleased to express the regret which you feel at the separation which circumstances have, in your view of the subject, rendered unavoidable. You have kindly added the assurance of your continued good wishes for my welfare. You will not, therefore, refuse me the gratification of expressing my earnest hope that, under the influence of better counsels, your own and the interests of our common country may receive all the benefits which you may have anticipated from the change of your confidential advisers. A very few days will enable me to put my office in a condition for the reception of my successor, and I will advise you of the fact as soon as its arrangement is completed.

I am respectfully, sir, your obedient servant,

JN. MACPHERSON BERRIEN.

TO THE PRESIDENT OF THE UNITED STATES.

WASHINGTON, June 15, 1831.

SIR:—I have received your letter resigning the office of Attorney-General.

In the conversation which I held with you the day before yesterday

upon this subject, it was my desire to present to you the considerations upon which I acted in accepting the resignation of the other members of the Cabinet, and to assure you, in regard to yourself as well as to them, that they imply no dissatisfaction with the manner in which the duties of the respective departments have been performed. It affords me great pleasure to find that you have not misconceived the character of those considerations, and that you do justice to the personal feelings with which they are connected.

I will only add that the determination to change my Cabinet was dictated by an imperious sense of public duty, and a thorough, though painful, conviction that the stewardship of power with which I am clothed called for it as a measure of justice to those who had been alike invited to maintain near me the relation of confidential advisers. Perceiving that the harmony in feeling, so necessary to an efficient administration, had failed in a considerable degree to mark the course of this, and having assented on this account to the voluntary retirement of the Secretaries of State and War, no alternative was left me but to give this assent a latitude coextensive with the embarrassments which it recognised, and the duty which I owed to each member of the Cabinet.

In accepting your resignation as Attorney-General, I take pleasure in expressing my approbation of the zeal and efficiency with which its duties have been performed, and in assuring you that you carry with you my best wishes for your prosperity and happiness.

I am, very respectfully, your obedient servant,

ANDREW JACKSON.

JOHN M. BERRIEN, Esq.

P.S.—You will please continue to discharge the duties of the office of Attorney-General until you make all those arrangements which you may deem necessary, which, when completed, and I am notified thereof by you, a successor will be appointed.

A. J.

WASHINGTON, June 22, 1831.

SIR:—In conformity to the suggestion contained in your note of the 15th inst., I have to notify you that the arrangements necessary to put the office of the Attorney-General in a condition for the reception of my successor are now complete.

The misinterpretations which are contained in the newspapers on the subject of my retirement from office make it proper that this correspondence should be submitted to the public, as an act of justice both to you and to myself.

I am, respectfully, sir, your obedient servant,

JN. MACPHERSON BERRIEN.

TO THE PRESIDENT OF THE UNITED STATES.

WASHINGTON, June 22, 1831.

SIR:—Your note of this day is received, advising me "In conformity to the suggestions contained in my (your) note of the 15th inst., I (you) have to inform you (me) that the arrangements necessary to put the office of the Attorney-General in a condition for the reception of my successor are now complete."

For reasons assigned in your note, you further observe, "make it proper that this correspondence should be submitted to the public, as an

act of justice both to you and myself."—I am sure I can have no objection to your submitting them as you propose, as you believe this to be necessary.

I am, respectfully, your obedient servant,

ANDREW JACKSON.

JOHN M. BERRIEN, Esq.

Here the author will go back a few years to notice two literary discourses delivered by Mr. Berrien,—one at Athens, in 1828, and the other at Princeton, in 1830. On the first occasion, he and Judge Clayton were the orators, each representing one of the rival societies of Franklin College. Both selected *Eloquence* as the theme,—one contending that it could be acquired by art, and ought to be methodical and persuasive; the other that oratory was a natural gift, and moved the passions of men by storm, without any particular rules. These two were highly-finished productions, and still rank among the classics of the day.

The discourse at Princeton was delivered while Mr. Berrien was Attorney-General, in the zenith of his fame, with a cloudless future before him. He was said to be so much a favorite of President Jackson that the mantle of Chief-Justice Marshall would probably be cast on his shoulders if the opportunity occurred. The author well remembers the warm compliments and predictions of honor that flowed upon Mr. Berrien from all quarters. And he will further add, that it was in the Princeton address he learned for the first time, from a man so gifted and successful, so commanding in genius and reputation, as Mr. Berrien, that glory was a delusion. The passage to which he refers the author committed to memory at the time, and he will venture to repeat it for its sound philosophy. Addressing himself to the graduating class, Mr. Berrien said:—

My young brothers! The world on which you are entering in all the ardor of hope, in all the purity of uncorrupted feeling, is arrayed in charms which it borrows from fancy, and which will vanish at your approach. The pleasure with which it allures the unwary is brief and evanescent as the dream of the morning. Its floats gaily on the advancing tide, but vanishes with the flood. You will be too surely called to exert the courage which can encounter danger with calmness, and the fortitude which endures and triumphs over calamity; but, on this side the grave, the beautiful vision which now dazzles your inexperienced eye will forever elude your grasp. Human life is but a step in the infinite series of existence,—a point at which a man pauses to look around him before he launches on eternity's ocean.

In 1830, a volume of "Sketches of Public Characters" appeared from the New York press, in which (p. 58) Mr. Berrien is thus introduced:—

The present Attorney-General, John Macpherson Berrien, is from Georgia, but I understand that he is a native of Philadelphia. He is a most eloquent speaker. In the Senate he was a model for chaste, free, beautiful elocution. He seemed to be the only man that Webster softened his voice to, when he turned from his seat to address him. There is not the slightest dash in his manner: it is as grave as it is pleasant. His views are clear, and he meets the subject manfully. In his arguments there is no demagogical praises of his constituents, no tirade of abuse against his opponents or of the section of country from whence they came. He is said to have been a good judge on the bench and an excellent lawyer at the bar, and surely he was a host for his party in the Senate. He is now an Attorney-General, and a Cabinet councillor as well as counsel for the Cabinet. The public of all parties have great confidence in him, and he stands fair for higher promotion. It is so seldom that we hear in Congress a classical style of speaking that a man who has any regard for the advancement of taste admires such a speaker. He is said to be a lover of literature, and it is to be hoped that in his high office he will advise the President to recommend its protection and encouragement. The President and heads of departments can do much for literature and science if they feel disposed to do it.

A few months after his return from Washington City, on leaving the Cabinet, Mr. Berrien was an invited guest at a public dinner given at Milledgeville, in November, 1831, as a testimony of respect to Gov. Gilmer, who had failed in his re-election to the Executive. Among the sentiments offered was the following:—

John Macpherson Berrien:—We hail with pleasure his return to Georgia. His services in Congress, in the Cabinet of the United States, and in the Free Trade Convention, are viewed with grateful feelings by his fellow-citizens of this State.

In responding, he entertained the large company in a speech nearly half an hour, in his best style, both as to composition and delivery. He did ample justice to the policy of President Jackson, saying that of foreign powers he demanded nothing more than justice, and would accept nothing less. He eulogized the President as the friend of Georgia, firm in his course for the removal of the Indians; but when the Chief-Magistrate of the Republic sought to prescribe rules and to select associates for the families of his Cabinet, he scorned the dictation. The author never heard Mr. Berrien speak until that dinner. There was a magic in the tones of his voice which never before captivated his ear. He heard him on several occasions afterwards with equal delight,—once in the Circuit Court of the United States, before Judges Johnson and Cuyler, in 1833, in a large ejectment cause.*

* *Winn v. Patterson*, 9 Peters's Reports, 663.

The fame of Mr. Berrien as a profound jurist and brilliant advocate (two characters rarely united) secured him about as much professional employment as he desired, at home, as well as in the adjoining States, and in the Supreme Court at Washington. He was very laborious, and never appeared in a cause without full preparation. He has been known to pass the whole night in searching up authorities and arranging for the trial of the next day. In criminal cases he seldom failed of an acquittal, however complicated the facts. His arguments were conclusive. He stood by unanimous consent at the head of his profession in Georgia, if not in the entire South.

Finding it necessary to move on the subject, the Legislature of Georgia, in 1838, passed the following resolution:—

Resolved, That his Excellency the Governor be, and he is hereby, requested to appoint forthwith three commissioners, whose duty it shall be to take the whole subject of State Finance in hand, arrange, digest, and report, at the earliest possible day of the next session of the Legislature, a system of finance for the State, which, calling into action all her resources, shall afford ample and sufficient means to sustain, as in the present age they should be sustained, the great interests of Public Education and Internal Improvement.

Gov. Gilmer accordingly appointed Judge Berrien, Hon. W. W. Holt, and Hon. A. H. Chappell, to execute the resolution. The report of sixty-four printed pages, made at the next session, is very elaborate and comprehensive. It is a document evincing great sagacity in the details, from which a few passages are selected. The introductory part is known to be from the pen of Mr. Berrien: it bears the evidence. He of course assisted in other portions. In unfolding the duty and resources of the State, the report says:—

A State possessing an extent of territory which stretches from the seaboard to the mountains, wide-spreading on every side; whose easy and gentle ascent is free from those irregularities of surface which elsewhere obstruct the progress of interior communications; watered by noble rivers which are never sealed by the frosts of winter, and whose estuaries form safe and commodious harbors; possessing, too, a variety of soil and climate which admirably fit it for the production of all that is useful to man;—such a State, the cherished abode of a free, enlightened, and enterprising people, is called to the consideration of the high duties which, in the providence of God, are devolved upon her.

She is called to this consideration, moreover, at an epoch in the world's history which has no parallel in the annals of time; when science, directing all its energies to purposes of practical utility, has advanced with unexampled rapidity in all those arts which minister to the substantial enjoyment of man; when the other nations of the world, and the other

States of this Confederacy, are eagerly pressing forward to grasp the brilliant prize which is presented to their view; when, amid the universal and cheering cry of "Onwards! Onwards!" among nations urging on the cause of internal improvement, to the laggard in the race, momentarily excited by the prospect, but too inert to engage in the struggle, is denied the full enjoyment even of that which has hitherto sufficed to satisfy his desires,—thus illustrating the emphatic denunciation of Holy Writ:—"From him that hath not, even that which he hath shall be taken away from him."

And why should Georgia hesitate to nerve herself for the struggle? Why should she linger in the race? The voice which issued from the legislative halls, at the close of its last sittings, has been cheered by the responsive acclamations of her people. Rising in the strength of their intellect and in the fervor of their patriotism, contemplating with grateful enthusiasm the multiplied resources which the bounty of Providence has bestowed upon them, and animated by the still more growing prospects which a near futurity opens to their view, they, too, have joined in the universal acclaim of the nations, and bid you "God-speed" in the discharge of your high duties.

Why, then, should Georgia hesitate to nerve herself for the struggle? Why should she linger in the race? It is not because her chosen Representatives are careless of the high interests which a free and confiding people have intrusted to their patriotism, to their wisdom, to their ceaseless vigilance. Is it because the prize is valueless? To sustain, as in the present age they ought to be sustained, the great interests of *Public Education* and *Internal Improvement*, is the object of your labors.

Of *Public Education*! The improvement of the mind; the cultivation of science and the arts; the diffusion of knowledge; the universal instruction of a whole people.

Of *Internal Improvement*! Improving our navigable rivers; connecting them by canals; traversing the State with railroads; uniting them to the termini of similar communications in the adjacent States of Tennessee and Alabama; furnishing means for the cheap and rapid transportation of our produce to market; carrying home to every man's door the supplies of the great Southwest, and those of foreign nations from our Atlantic border; bringing the mountains and the seaboard in such close proximity that the waves of the ocean may, almost without a figure, be said to wash their base; and, finally, scaling those mountain-heights, and along the line of similar improvements in other States, establishing our communications with the great river of the West; thus making friends of those who were strangers to each other, and brethren of those who had looked upon each other with distrust.

No! with such objects in view, it cannot be that the prize is deemed valueless. It is, indeed, of inestimable value. Is it attainable?

Does Georgia possess the means to accomplish so great an enterprise? Are her resources adequate to the expenditure which it will necessarily involve? This is, in truth, the only inquiry. The duty of answering it, according to the best information they can command, has devolved upon the undersigned. Fully sensible of the magnitude of the subject, and of their inability to meet the expectations of your honorable body, they, nevertheless, invite your attention to this interesting inquiry.

Our attention is first to be directed to an examination of the actual

resources of the State. These may be said to consist, or rather (in part) to have consisted,—

1. Of the Public Lands. 2. Of Taxes. 3. Of the Funds of the State in the Central Bank.

Thus far the language of the report is copied, as showing the earnest and hopeful visions of Judge Berrien twenty years ago, which he lived to see realized in a considerable measure. Further items in the report will be condensed.

The quantity of land in Georgia was shown by two methods,—from surveys of record, and from the tax-digests in the Comptroller's office. The comparatively small difference between the two shows the accuracy with which tax-returns are made by the receivers in the several counties:—

Reported by Surveyor-General.....acres	35,515,526
Reported by Comptroller	taxed “ 35,866,336

Excess of taxation.....350,810

But it appears from another return of the Surveyor-General that the State has granted more than either of these amounts of land; consequently the income from grants has entirely ceased.

The tax system is next examined, and sundry objections to it urged. Estimating the land at \$3 per acre, and slaves at \$400 each, the value of \$200,000,000 of property is connected with agriculture in Georgia, which paid a tax of only \$53,450; while the capital employed in commerce at the same time was but \$18,304,148, upon which was assessed \$28,600. The classification of certain lands is noticed as onerous. The same tax paid on all slaves under sixty years,—mechanics worth from \$2000 to \$3000 paying no more than a common field-hand, and no more than the merchant paid on each \$100 of his stock in trade. This inequality is condemned in the report. After the Central Bank was established, and its profits supposed to be sufficient to support the State Government, the general tax was relinquished in 1835. For 1834 the tax-account stood thus:—

Amount of tax returned as due.....	\$56,024 36
Amount of tax paid into the Treasury.....	39,192 18

Lost in commissions, insolvents, and defaulters \$16,832 18

The statistics of the Central Bank are given at considerable length in the report, showing that when the bank was first organized, January 29, 1829, it had specie and cash funds to the amount of \$513,101 77; and on the 2d of November, 1829, out of

\$355,597 90 due the State in bonds and notes at the time the bank went into operation, the sum of \$117,340 92 had been converted into accommodation-paper running in the bank,—making in all a fund for discounting equal to \$630,340 69. For the ten years from 1829 to 1838 inclusive, a table is submitted in the report, exhibiting the discounts and profits for each year, all summed up as follows:—

The foregoing statement shows that for the ten years which it embraces, the sum total of the discounts of the bank was \$11,975,985 73, and that the sum total of the profits for that time was \$565,134 21. To determine the rate of profit which these results show to have been made on the capital employed by the bank, it must be borne in mind that the discounts are based on capital only, and represent nothing but capital; and that consequently, whatever amount of discounted paper appears at any time to have been held by the bank, it is certain that an equal amount of capital had come to the hands of the bank and was used in those discounts. Then, inasmuch as all the discounts for ten years amounted to \$11,975,985 73, which makes an average for each year of \$1,197,598 57, it follows that the average amount of the State's moneyed capital which the bank each year employed in discounts was also the sum of \$1,197,598 57. And the average profit thereon for each year was \$56,513 42, which is equal to an interest of 4 7-10ths per cent. per annum.

Whether this be a good or a bad business for the State, in a mere financial view of the matter, depends on the question whether the State might not, with as much ease and as little peril, have realized a better profit in some other known mode of employing the public money. And here the aforesaid results of her investments in the stocks of certain of our joint-stock banking companies are at hand, and furnish a decisive answer. For it has already been shown that on her capital of \$1,005,000 vested in those banks she has realized, in the ten years just above mentioned, a clear profit of \$745,860 92, which gives an average for each year of \$74,586 09, and is equal to an interest of 7 4-10ths per cent. per annum on the whole capital thus invested.

If the capital employed by the Central Bank during these same ten years had yielded an equal rate of profit, to wit, an interest of 7 4-10ths per cent. instead of an interest of 4 7-10ths per cent., then the sum total of its profits for that time would have been \$886,222 50, instead of \$565,134 21, whereby the State would have been gainer to the amount of \$321,088 29; which sum must consequently be set down as so much loss in ten years, chargeable to the policy of having discarded the old and well-tried system of investing in ordinary bank-stocks for the new and questionable experiment of the Central Bank.

The report discusses the policy of loans for other than commercial purposes, the bearing of certain fiscal measures, the credit system, exchanges, the abuse of accommodation-paper, and the various channels through which the public prosperity is affected by the circulation of money on proper equivalents. The views set forth in the report are worthy to rank high in the best system of

political economy. The analysis of the financial resources and obligations of Georgia is a masterly labor. The want of space alone forbids more copious extracts. Those introduced will show the character of the whole,—deep, sifting, and logical. Perhaps no commission of the kind ever acquitted itself with more credit. The subject of Education—the aid of the State in time past, and what ought to be done to secure intelligence among the masses—is pressed with a truly bold and discriminating statesmanship.

The estimates of every kind on which to base a judicious system of taxation to support internal improvement, to establish public schools, and to work out a proud destiny for Georgia through her legislation, are furnished in the report. In many strong passages the pen of Col. Chappell is distinctly recognised. The same may be said in reference to Judge Holt, who prepared many tables and calculations, with the necessary comments, all showing the vigor and grasp of his mind. The report is indeed a valuable document, which the author presumes is out of print, except a few copies accidentally preserved.

Merely for reference, a further extract is given :—

The ordinary expenses of the Government for the last year, and the average of those expenses since the year 1828, as these appear in the report of the Treasurer, have been taken as the data from whence to calculate their probable annual amount in future.

They have been considered as embraced under the following heads :— Civil Establishment, Printing, Contingent Fund, Military Disbursements, Redemption of Public Debt, Penitentiary, and Presidents' and Speakers' warrants.

These expenses for the year 1838 were as follows :—

For Civil Establishment	\$38,928 61
. Printing	19,824 85
Contingent Fund	15,867 16
Military Disbursements	4,895 30
Redemption of Public Debt.....	3,372 81
Penitentiary.....	15,000 00
Presidents' and Speakers' Warrants.....	88,906 80

Ordinary expenses for 1838.....\$186,795 53

The average of the same expenses since 1828 is as follows :—

For Civil Establishment	\$38,869 47
Printing	14,355 79
Contingent Fund.....	18,058 31
Military Disbursements	3,077 63
Redemption of Public Debt.....	787 55
Penitentiary	7,386 00
Presidents' and Speakers' Warrants	67,751 58

Average for ten years.....\$148,286 33

On the basis furnished by these two exhibits, and assuming that the Legislature will make such reductions as are in its power, we have considered that the ordinary annual expenses of the Government may be estimated at \$150,000.

In about sixteen years from the date of the Commissioners' report, the expenses of the Government were thus estimated by John B. Trippe, Esq., State Treasurer, in his report to the Legislature of October 20, 1855:—

Estimated Expenses for 1856.

Payment of Legislature and officers.....	\$150,000 00
Civil Establishment	52,000 00
Contingent Fund	15,000 00
Deaf and Dumb.....	8,000 00
Academy for Blind.....	2,500 00
Provisions for Penitentiary	2,500 00
Military Fund.....	1,000 00
Military Storekeeper.....	450 00
Military Institute.....	2,000 00
Lunatic Asylum	20,000 00
Penitentiary Inspector.....	500 00
Chaplain Penitentiary	150 00
Printing Fund.....	18,000 00
Interest on Public Debt.....	160,000 00
Reduction Public Debt.....	30,000 00
Miscellaneous Appropriations	10,000 00
Total expenses for 1856.....	\$472,100 00

The expenses for 1857 are estimated by the Treasurer at \$284,100 00, there being no session of the Legislature to provide for this year; and the Printing Fund being about \$10,000 less on that account. Since 1838, several items have been added to the ordinary expenses of the Government, among which may be mentioned provision for the Deaf and Dumb, Lunatic Asylum, the Blind, Military Institute, &c. The estimated expenses for 1856 and 1857 amount to \$756,200 00, in which the following objects are included, not to be found on the list in 1838:—

ESTIMATES.	1856.	1857.
Deaf and Dumb	\$8,000 00.....	\$8,000 00
Academy for Blind.....	2,500 00.....	2,500 00
Military Institute.....	2,000 00.....	2,000 00
Lunatic Asylum.....	20,000 00.....	20,000 00
Interest on Public Debt....	160,000 00.....	160,000 00
Reduction Public Debt.....	30,000 00.....	16,000 00
New charges on Treasury	\$222,500 00	\$208,500 00

Deduct these two sums, \$431,000 from \$756,200, and there will remain \$325,200 as the expenses of the Government for two years, equal to \$162,600 per annum, very little more than the commissioners stated in 1839 to be necessary. This excess of \$12,600 may be accounted for by the Supreme Court and several judicial circuits which have been formed since, increasing the ordinary expenses of the Government. It is at least a remarkable coincidence that the average is so nearly the same.

The estimated receipts into the Treasury for 1856 are thus stated by Mr. Trippe:—

General Tax for 1856	\$400,000 00
Special Tax on Bank Stock	23,000 00
“ “ Railroads.....	6,500 00
“ “ Agencies of Foreign Banks	300 00
Miscellaneous Resources	1,500 00
	<hr/>
Total estimate for 1856.....	\$431,300 00

These tables have been drawn into the memoir of Judge Berrien merely to bear out the calculations of the Financial Committee of which he was chairman in 1839.

And here the author takes occasion to go back a few years in the narrative, so as to notice the part which Judge Berrien acted in the Anti-Tariff Convention at Milledgeville, in November, 1832. A list of the delegates and a sketch of the proceedings of that body are given elsewhere in this volume.* It may be truly said that it was a collection of talented men,—such as Forsyth, Gilmer, W. Cumming, J. P. King, Torrance, S. Rockwell, Clayton, Dawson, T. Haynes, T. Spalding, W. H. Underwood, H. Warner, H. Holt, S. W. Flournoy, J. C. Alford, A. Cuthbert, R. L. Gamble, J. G. Park, D. A. Reese, T. W. Harris, R. A. Beall, Wiley Williams, and the “Old Constitution,” Gen. David Blackshear, and others more or less known to the public.

Mr. Berrien appeared as a delegate from Monroe county. His was the second name on the Committee of Twenty-one, General Blackshear being the chairman. On the second day, Mr. Forsyth offered a preliminary resolution on which sprung up unexpectedly a long and brilliant discussion. Mr. Berrien came prepared to examine the Tariff, and the power of the Federal Government to discriminate for protection, and on that question he was a match for any man. But Mr. Forsyth led off in another direction,

* Memoir of R. A. Beall.

requiring the delegates to show their authority, in rigid form, to speak in the name of the people, and, if they refused, he would not participate in their deliberations. On the fourth day a vote was taken on the amendment proposed by Mr. Berrien, which was in effect the rejection of Mr. Forsyth's resolution,—Yeas, 63; Nays, 56.

When the result was announced by the presiding officer, Mr. Forsyth arose and made a few remarks explanatory of his course; then placed on the clerk's table a paper signed by himself and about fifty other delegates who retired with him from the hall, protesting against the action of the majority. To give the particulars of this scene and of the debates of the Convention would be only to repeat what may be seen under another head.

The remaining delegates proceeded with their business as though nothing had happened. But the star of the Convention, on which all eyes turned with rapture, had disappeared in Mr. Forsyth. The greater part of those who heard him on that occasion, including delegates and the large throng of spectators, declared that they had never listened to genuine eloquence before. He soared above all competition. Fresh from the Senate of the United States, he wore his laurels, gathered in that arena by contests with Calhoun, Clay, and Webster, with the air of a victor. He was, indeed, perfection as an orator. In skirmishing, he was admitted to have no rival in the Union, if in the world. Afterwards, his ability was tested and his fame greatly increased by his leadership in the defence of President Jackson when he was assailed in the Senate for the removal of the public deposits from the United States Bank in 1833. Yet the void in the Convention soon closed up, and the measures for which it assembled were discussed freely, the speakers often differing in their views, though in the main harmonious.

At the request of the chairman, the Report of the Committee of Twenty-one was prepared by Mr. Berrien, who read it to the Convention. The author was in the gallery at the time, and well remembers the delight it afforded to all present, as much by the manner of the reading as the merits of the paper itself.

For the purposes of history, and as containing the constitutional argument, several of the resolutions are here inserted from the report:—

7. That the act laying duties on imports, passed in July, 1832, as well as the several acts of which that act is emendatory, in so far as it transcends the purposes of revenue, and is intended to operate, and does

operate, substantively for the protection of manufactures, is an exercise of powers not granted by the Constitution, but a plain and palpable violation of the true intent, meaning, and spirit thereof; that the said acts cannot be justified under the power of regulating commerce with foreign nations, since to REGULATE is not to DESTROY; and the principle of a substantive protection to domestic manufactures assumes, and in some instances exerts, the power of imposing a duty which effectually prohibits the importation of foreign fabrics of like kind with those which are thus protected, and to this extent destroys foreign commerce instead of regulating it. That they cannot be supported under the power to levy and collect duties, since this power was given solely for the purpose of enabling the Government to raise a revenue which should be adequate to its wants; and the amount of revenue which is raised by these protective duties very far exceeds the legitimate wants of the Government; and that the attempt to vindicate the exercise of a power to impose a burden on the labor and industry of one portion of the people of the United States for the benefit of another portion of the same people, under the power to provide for the common defence and general welfare of the United States, is even more alarming than the direct results of the system itself, because that is to ascribe to Congress the power to do whatever in their judgment may conduce to the common defence and general welfare, and thus to invest the National Legislature with unlimited (because merely discretionary) power over the rights and liberties of the people of Georgia.

8. That the people of Georgia are sincerely attached to the Federal Constitution, and to the Union of the States which it creates and guarantees; that they consider it as a precious inheritance received from their fathers which it is the duty of patriotism to maintain and defend, and estimate it above all price, save that of liberty; that they are ready to peril their fortunes and their lives in its defence, and would deeply deplore its dissolution, as an event alike inauspicious to themselves and to the cause of civil liberty throughout the world. That, actuated by these feelings, and even amid the difficulties which beset them, not despairing of the Republic, they will still persevere in the use of every proper and efficient means for the peaceful adjustment of this unhappy controversy which may be within their power as one of the sovereign members of this Confederacy, or which may result from consultation and conference with their sister States having a common interest with them in this matter. That, taking the payment of the national debt as the period after which the present tariff of duties, so far as it transcends the purposes of revenue and is designed for the protection of domestic manufactures, can find no plausible pretext in our constitutional charter, they are willing to wait until Congress shall have full time deliberately to determine whether they will reduce and equalize the duties on foreign imports, so as to bring the income of the Government within the limits of revenue, and to collect the contributions of our citizens on the principles of just taxation. That, having regard to the interests of those whose capital has been invested in manufactures during the progress of that course of legislation of which they complain, they are willing that the reduction and equalization of duties which they ask should be prospective and gradual, and, fearfully admonished as they have been by experience of the fallacy of their past hopes for relief from the evils under which they suffer, they will still look to the justice and patriotism of their brethren of the manufacturing States.

9. That the people of Georgia cannot submit to the permanent protec-

tion of domestic manufactures by duties imposed for that purpose on the importation of foreign manufactures, and especially on such as are among the necessaries of life; that they cannot submit to the adoption of the principle on which such duties are imposed, as a permanent principle of Federal policy, but will feel bound to resist the same by the exercise of all their rights as one of the sovereign members of this Confederacy, and by consultation and concert with their sister States having like interest with themselves, and disposed to unite with them in resistance to this principle.

10. That it be respectfully recommended to the several Southern States having a common interest with us in the removal of the grievances under which we labor from the protective system, to assemble in Convention by delegates from the respective States, corresponding to the number of their Senators and Representatives in Congress, to confer together on the subject of their grievances, and to recommend to the people of their respective States such measures as may best conduce to the removal of the same; and that the time and place of such meeting be determined by correspondence between the delegates elected to said Convention.

This report was adopted by a vote of 64 yeas, 6 nays. The latter were Messrs. Clifton, Flournoy, Guerry, Holt, Lewis, of Burke, and Peabody.

On motion of Mr. Berrien, it was

Resolved, That a committee be appointed, to consist of five persons, whose duty it shall be to prepare an address to the people of Georgia, illustrating the objects and proceedings of this Convention, which shall be attached to the journal of the said proceedings. Whereupon the president appointed Messrs. Berrien, Clayton, Gordon, of Putnam, Beall, of Bibb, and Torrance, that committee.

The address came forth under the signatures of the Committee, dated November 21, 1832, from which an extract is given, pointing out the inequality of the protective system:—

By the provisions of the Tariff Act of 1832, a principle of taxation is affirmed which imposes burdens on articles of necessary consumption, while those of luxury, and those materials used in manufacturing, such as dye-stuffs, &c., are, with a few unimportant exceptions, declared to be free of duty. The effect of this unwarrantable discrimination is to exempt UNPROTECTED articles entirely from taxation, and to throw all the burden upon the PROTECTED articles, such as iron, salt, sugar, woollen and cotton fabrics, &c. These are articles of necessary consumption at the South, the duties upon which in many instances amount to an entire prohibition.

The spirit which characterized the majority in Congress in the adoption of this odious act cannot, perhaps, be better illustrated than in the rejection by the majority in the Senate of all propositions tending to the reduction of the duties to the wants of the Government, or limiting those imposed to a certain definite amount. A distinguished Senator from the South, during the discussion of the act of 1832 in the Senate, submitted to that body four distinct propositions. The first was an amendment to Mr. Clay's resolution, by which amendment it was proposed "to bring down the duties gradually to the revenue standard, adjusting them on the protected

and unprotected articles, on principles of perfect equality." This proposition, fair and honorable in its terms, in every respect reasonable in its operation, was treated by the majority "as a scheme to destroy the manufacturers, and as pledging Congress to an ultimate abandonment of the protecting system, which it was declared had become the settled policy of the country." Immediate reduction was termed "sudden destruction to the manufacturers;" gradual reduction was called "slow poison." The proposition was rejected.

To the clause in the bill imposing a duty of 16 cents a yard upon flannels, the same distinguished Senator proposed to add a proviso "that the duty should in no case exceed FIFTY PER CENT." The duty of 16 cents a yard on coarse flannels used by the poor would be equal to 160 per cent., while on the finest of that article it would amount to only 32 per cent. Yet this proviso was rejected. The reason alleged for this rejection was that 50 per cent. would not be an adequate protection to the domestic manufacturer of flannels. Another proposition was made:—"to strike out the minimums on cottons." This also was rejected; and this "fraudulent device" was retained in the acts by which an article costing 5 cents is to be deemed to have cost 30 cents, and to pay a duty as having actually cost 30 cents. This was done, too, in the face of a distinct admission of the friends of the manufacturers of coarse cottons that they did not at present require protection. But the majority, in the plenitude of their power, thought it would be wise to "keep the fences up by which foreign competition would be excluded." The fourth and last proposition made by the Southern Senator was that a clause should be added to the end of the act, declaring "THAT THE DUTIES IMPOSED BY IT SHOULD IN NO CASE EXCEED ONE HUNDRED PER CENT.;" yet this proposition shared the same fate of all the previous ones: IT WAS REJECTED. Yes, a majority in the Senate, secure of their power, calculating on the deceptive features of the act, and relying upon a want of unanimity among the Southern people, for the final triumph of the protective system, rejected a proviso which would have limited the maximum of duties to 100 per cent. People of Georgia! the rejection of these propositions speaks a language not to be mistaken, the direct tendency of which is to enslave you,—to render you tributary to the North. This conduct of the majority evinces but too clearly a determination to maintain the protective principle inviolate, regardless of the cost and reckless of the consequences.

It will be seen from the spirit of the Convention that the very scale of reduction established by the compromise in a few months afterwards was suggested by the Committee, if not in express terms, at least in principle. The South Carolina Ordinance of Nullification was passed on the 24th day of November, 1832, among the signers of which was Chancellor Harper, who, with his Union colleague, Hon. David Johnson, but a few days before occupied a seat by special invitation in the Convention at Milledgeville. These scraps of the day are collected here as part of an exciting movement in which were enlisted the great minds of the age.

The Legislature of Georgia, in 1840, elected Judge Berrien a

Senator in Congress for a term of six years from 4th March, 1841, at which time he took his seat, to advise on the nominations by President Harrison of his Cabinet and other officers of the Government. He took an active part in the leading measures of the extra session of Congress of that year, supporting the policy of the Whigs with that high order of abilities which had been so long accorded to him by the public voice. It is not intended here to follow up his votes, or even to refer to all the discussions in which he participated. He was uniformly heard with pleasure, and his opinions commanded the respect of all parties. After the passage of the bankrupt law, there was a very strong feeling of dissatisfaction evinced by the public, and a bill was introduced for its repeal. On the 26th of January, 1842, Mr. Berrien made a speech of great power, maintaining the constitutionality and expediency of the law. He analyzed the relations of debtor and creditor, and the bankrupt systems of other countries, showing them to be necessary to the interests of commerce, as well as just to individuals. In comparing the bankrupt feature with State insolvent regulations, he thus expressed himself:—

Look now at the condition of the *bankrupt* and *insolvent*, when the respective processes against them are closed, and say which is likely to prove the better and more upright citizen. The *bankrupt* has surrendered his all: he is poor,—nay, destitute, penniless; but *he is free*. Ay, there is the charm. He is really, truly free. It is not merely the poor privilege of locomotion which is accorded to him. His hands are unshackled. The energies of his mind are unfettered. He is free to exert them for the benefit of those whom nature and affection have endeared to him. His recovered freedom is his *stimulus*. The lesson of experience, which adversity has taught him, is his *safeguard*. The almost utter impracticability of receiving a second time the boon which has been once accorded to him is his *voice of warning*. Thus stimulated, thus guarded, thus warned, he enters upon his new career. If in this world of trial, which we have divested of its original beauty and loveliness, any man may be delivered from temptation, or enabled to resist it, by merely human means, this man is secure. The path of duty, of uprightness, of honesty, which it is the best interest of all to pursue, is that from which he is without any conceivable motive to wander.

And the *insolvent*, Mr. President,—what is his condition? He too has surrendered his all,—at least, all which he dare openly claim: and for what? To purchase exemption from imprisonment, or the privilege of departing beyond prison-bounds. He breathes the free air of heaven, but not as a free man. He is still the “doomed slave” of his creditor. The fruits of his labor belong to that creditor, and can only be withheld from him by fraud. The necessities of a helpless family appeal to him. The eagle eye of his creditor is upon him. He looks upon that creditor as his enemy. If he be merciless, he is indeed his enemy,—the enemy of those who are dearer to him than life, whom he is bound to protect even at the sacrifice of life itself. What then? As an enemy, he fences himself

against that creditor. He resorts to fraudulent conveyances, to secret trusts, to a regular system of habitual deception, and his children, into whose young minds it would have been, under more propitious circumstances, his grateful task to have instilled the lessons of virtue, are trained up under the blighting influence of that system of concealment to which they are indebted for the comforts and conveniences of life. Such is the actual condition of multitudes, under the operation of the State insolvent law.

As chairman of the Judiciary Committee, to whom were referred the Senate and House bills to repeal the bankrupt law, and numerous petitions, and sundry legislative resolutions, and other papers, relating to the subject Mr. Berrien made a report to the Senate, February 3, 1843, embodying the opinions and statements of Associate Justices of the Supreme Court, Judges of the District Courts of the United States, and other officers of those courts, touching the practical operation of the bankrupt law, its benefits and evils. The report* consists of about thirty pages, from which the following is an extract:—

The bankrupt law has now presented its worst aspect. It has passed the fiery ordeal of public opinion, exhibiting all its faults in the emptiness of the inventions which have been returned to the scrutinizing gaze of the public. Hitherto its operation has been chiefly at the expense of the creditor, if indeed the securities which he held were not already valueless at the date of the act. Let us not forget that this is owing to our own long-continued neglect to fulfil our constitutional duty by the establishment of a uniform system of bankruptcy. If suffered to remain on the statute-book, a new era will commence. The mass of insolvencies which had been accumulating for years, affording, under the operation of the bankrupt law, little or no return of assets for distribution, has now been disposed of, either by the direct operations of the law or by compromises which it has induced. Hereafter it will afford to the creditor the means of preventing the recurrence of this state of things, will enable him to stay the downward progress of his failing debtor before the desperate plunges to which a man in such circumstances is too strongly tempted shall have involved him in hopeless ruin, and will insure to the creditor a fund for distribution far greater than can be obtained under the operation of State insolvent laws. The fact will be manifested by considering the different results which are produced by the bankrupt law in England, and by the insolvent systems of the different States which have prevailed among us.

With these facts in view, the committee believe it to be their duty to recommend to the Senate the adoption of a bankrupt law, adapted to the commercial exigencies of the community, and calculated to form a part of the permanent jurisprudence of the country.

The salutary influence of such a law will be manifested,—

1st. By the prevention of *undue credit*, since, under its operation, the debtor may be forced into bankruptcy, by which he must surrender

* See Senate Doc. No. 121, 27th Congress, 3d Session.

all that he possesses, and even then be dependent on the assent of a majority of his creditors for the allowance of his discharge, with the premonition that such discharge will ever after preclude him from receiving similar relief, unless, in the event of his insolvency, his estate is able to pay seventy-five per cent.

2d. By preventing *partial assignments*, by which a few preferred creditors, often selected from among those who mainly contributed to enable the failing debtor to hold out a false credit to the community, are allowed to appropriate his estate exclusively to themselves.

3d. By substituting one *uniform rule*—the great and equitable rule that equality is equity—to the conflict bankrupt and insolvent laws of the several States, and thus insuring a fair and equal dividend of the estate of a failing debtor among all his creditors.

4th. By arming the creditor with a power to force a failing debtor to go into liquidation before his assets are wasted by the desperate speculations to which men in such circumstances are generally tempted.

The report shows the number and classification of petitioners to Congress relative to the bankrupt law. At the session in 1842 the number is thus stated:—

Asking for a repeal of the bankrupt act.....	2,133
Against repeal.....	42,169
Asking for a modification.....	1,206
For a modification or repeal.....	4,343
For a postponement.....	447

Resolutions passed the Legislatures of the States of Connecticut, Maine, and Mississippi, for a repeal.

During the session in 1843 the account stood thus:—

For immediate repeal.....	3,107
Opposed to the repeal.....	6,495

The States of Vermont and Ohio passed resolutions in favor of the repeal.

It is only an act of justice to both the distinguished orators to remark here that, immediately after Mr. Berrien had finished his speech in support of the bankrupt law, Mr. Clay advanced to him in the Senate and shook him cordially by the hand, thanking him for his eloquent and touching appeal in behalf of a large class of unfortunate yet worthy fellow-citizens, who had fallen by the casualties of trade. It was a noble tribute from a noble source, and should endear the memories of Clay and Berrien to all who revere public benefactors.

For his course on the bankrupt bill, and for his support of the nomination of Mr. Everett as Minister to England, of a national bank, the Land Distribution bill, and other Whig measures of the extra session of Congress in 1841, Mr. Berrien incurred the disapprobation of the Legislature of Georgia, which body, at the

session of 1841, passed resolutions of censure. The majority happened to be Democrats, who took that occasion to embarrass him and to promulgate their policy. He was at the same time instructed to reverse his votes on all those questions. The year following, the same majority again resolved that Mr. Berrien was not representing the sentiments of the people of Georgia, and accordingly withdrew their confidence, refusing to have any communication with him. He was not officially notified of this latter action until after the adjournment of the Legislature, and was therefore deprived of the opportunity of vindicating his conduct. He published an address to the people of Georgia, in which he reviewed the measures of Congress, the state of parties, and the doctrine of legislative instructions, the latter of which, as applied to him, he pronounced a usurpation.

At the State election in 1843 (the first of biennial sessions) the Whigs obtained an ascendancy in the Legislature, and declared by resolutions, in the warmest terms, that Mr. Berrien was a faithful Senator, alike distinguished for ability and patriotism, and that the people of Georgia felt a just pride in his character and public services. This is the substance, and it was alike gratifying and proper to Mr. Berrien, who continued to discharge his public duties in the Senate.

The address of Mr. Berrien to the people of Georgia called forth a letter from Judge Story, in which he said, "Your argument upon what is called 'the right of instruction' is exceedingly cogent, and, I think, unanswerable. If ever my work on the Constitution shall reach another edition, I intend to extract the passage and use it in that work. I have laid aside the newspaper for this purpose among my choice collections."

In 1844 Mr. Berrien was a delegate from Georgia in the Convention at Baltimore which nominated Mr. Clay for the Presidency. He was appointed chairman of the committee to communicate the action of that body to Mr. Clay, which he did as follows:—

BALTIMORE, May 1, 1844.

SIR:—The grateful office of announcing to you the result of the deliberations of the National Whig Convention, this day assembled at this place for the selection of a candidate for the office of President of the United States at the approaching election, has been by that Convention assigned to us.

We perform it by communicating to you the accompanying copy of a resolution adopted unanimously and by acclamation by that body, and beg to add to it the expression of our earnest hope that the wish of your assembled fellow-citizens, in which "all with one voice" have united, and

in which their personal feelings, and, as they believe, the best interests of this great people, are involved, may meet your prompt and cheerful acquiescence.

We have the honor to be, very respectfully, your fellow-citizens,

JOHN MACPHERSON BERRIEN,
J. BURNET,
ERASTUS ROOT,
ABBOTT LAWRENCE,
WILLIAM S. ARCHER.

Hon. HENRY CLAY.

WASHINGTON, May 2, 1844.

GENTLEMEN:—I have the honor to acknowledge the receipt of your letter, dated yesterday at Baltimore, communicating my nomination, by the National Whig Convention there assembled, to the people of the United States as a candidate for the office of President of the United States. Confidently believing that this nomination is in conformity with the desire of a majority of the people of the United States, I accept it from a high sense of duty, and with feelings of profound gratitude. I request you, gentlemen, in announcing to the Convention my acceptance of the nomination, to express the very great satisfaction I derive from the unanimity with which it has been made.

I have the honor to be, with the highest respect, faithfully your friend and fellow-citizen,
H. CLAY.

Messrs. John Macpherson Berrien, Erastus Root, J. Burnet, Abbott Lawrence, and William S. Archer.

After his re-election to the Senate in 1840, and becoming more fully identified with the policy of the Whigs, Mr. Berrien so far modified his opinions on the Tariff as to give incidental protection to home manufactures. He was present at a mass meeting of the Whigs of Massachusetts, on Boston Common, in September, 1844, and, by special invitation, addressed the people at Marlborough Chapel, Boston, on the night of 19th September, being introduced to the crowded assemblage by the Hon. Daniel Webster. A portion of his speech is here given. After disposing of other topics, Mr. Berrien said:—

I repeat it, fellow-citizens, the great question between us and our opponents on this subject is,—

Shall we cherish the industry of our own people, or of those who are alien from our country, our institutions, our interests, and our affections?

Shall we stimulate the productive energies of our countrymen, or suffer them to languish in hopeless inactivity?

Shall we secure to the laboring classes among us a fair reward for their honest industry,—the means of obtaining a comfortable subsistence for themselves and their families, wherewith to rear and educate their children and to fit them for the discharge of their duties as American citizens? Shall we thus impart to that valuable portion of our people the high sense of personal independence which will add to our national strength, or, blindly neglecting their interests and our own, shall we suffer them to sink down to the condition of the pauper-laborers of Europe?

Shall this government be administered for the benefit of our own people, or the subjects of a foreign land?

Are we willing to come back to the system of colonial vassalage, with the broken fetters of which our fathers battled for freedom, or are we honestly proud of our independence and resolutely determined to maintain and transmit it to our children?

Disguise it as we may, to these issues it must come at last. We may be lulled into security. Yielding to party feelings, we may blindly follow in the steps of party leaders, and sacrifice our own best interests at their dictation. But I overrate the intelligence of my countrymen if they can be thus deluded. I mistake their character if they will not spurn the demagogue who would seek thus to mislead them. No, fellow-citizens! Realizing the magnitude of the interests which are involved in this controversy, remembering that "the price of liberty is eternal vigilance," you will bring to its decision the intelligence and manly firmness which should characterize American freemen. Forgive the momentary egotism: I am a Southern man, wholly unconnected with manufactures or with stocks of any description,—a Southern planter, depending on the cultivation of the soil and the use of such faculties as God has given me for my own and the support of a numerous family. If it be true (as our opponents contend) that, in protecting our domestic industry, the agricultural and other classes of the community are taxed for the exclusive benefit of the manufacturer, mine is the harder lot. When the pocket-nerve of the agriculturist is touched, mine is as liable to vibration as that of another. On such a subject I could not deceive you if I would: that I would not if I could, let the simple statement prove to you.

No, fellow-citizens! I advocate the protection of domestic industry from no merely selfish considerations. Looking to this great question in the large and comprehensive view in which, as it seems to me, it becomes an American statesman to contemplate it, I advocate this system of legislation to furnish a home market, to give stability to the currency, to elevate the national character, to preserve the public morals, and to draw closer the bond of union which connects us together as one people. Let us pause for a moment to consider these suggestions.

The protection of domestic industry tends largely to increase the sum of national wealth.

1. It does this by a division of labor. All experience teaches us that the aggregate product of the labor of any country is increased by such subdivisions. A nation of agriculturists, each of whom should minister to his own wants, should feed and clothe himself and make his own implements of labor, would advance slowly, however genial the climate and fruitful the soil which Providence has assigned to them. It is by diversifying the objects of individual pursuit by the skill which is requisite to furnish the necessary exchanges that the aggregate production is increased.

2. It stimulates industry. The necessity of providing for one's own wants by promptly supplying the wants of others, the increased skill which is required, and the consequent ability to add to individual comfort by its industrious exercise, furnish a stimulus to exertion which cannot be found in the infancy of society, when each man endeavors to supply his own wants by the clumsy operations of his own inexperienced hand.

It adds largely to the national wealth by the additional value which it imparts to the raw material. We shall look in vain through the pages of history for an example of great national productive labor, which was

employed in producing raw materials, depending upon other nations for the exercise of the skill and industry which were necessary to befit them for the use and enjoyment of man. We may form some idea of the importance of this consideration from the following facts:—

A bale of cotton of ordinary quality, weighing 450 lbs., is worth, at 7½ cents per lb., the sum of \$34. If sold in a foreign market, it would add this sum, less the expenses of transportation and charges of sale, to the sum of national wealth.

The same bale of cotton manufactured here will produce 400 lbs. of cloth of No. 14 yarn, of which the present market-value would be 24 cents per lb.,—\$96. In this case the value of the manufactured article is nearly threefold. The sum of \$62 would thus be added to the national wealth. 480 lbs. of cotton of fine quality, worth, at 8½ cents per lb., the sum of \$48, would produce 400 lbs. of cloth of No. 30 yarn, worth 36 cents per lb., or \$156. 450 lbs. of sea-island cotton, worth, at 16 cents cents per lb., \$72, will make 400 lbs. of No. 80 yarn, worth \$1 32 per lb., or \$518. The aggregate value of these three bales of cotton in their raw state is \$142,—in their manufactured state \$759. The increased value imparted to them by the skill and industry of the manufacturer is therefore \$626.

Extend this calculation to the aggregate value of the 400,000 bales of cotton and other raw materials manufactured in this country; compute that value in their raw and in their manufactured state, and some idea may be formed of the sum which is added to the national wealth by the skill, enterprise, and industry of the American manufacturer.

The protection of domestic industry results in the establishment of a home market.

To the extent to which such a demand can be created, it furnishes a better market even for those articles of produce which are chiefly sold abroad, as any man may satisfy himself who will calculate the product of 100 bales of cotton sold here and in the English market at current prices, and invested in English and American manufactures of equal quality. The details are too tedious for an occasion like the present; and they are already before the reading public in the very able argument of Hon. Mr. Simmons, of Rhode Island, pronounced a few months since in the Senate of the United States.

But the importance of a home market is more distinctly felt by the agriculturist, whose products will not bear the expense or delay of transportation abroad. It stimulates production by the demand which it creates, and which could not exist without it. Those who reside in the neighborhood of the villages, towns, and cities, which are scattered through our country, find there a demand for various agricultural produce which would otherwise be comparatively valueless, and would not therefore be produced. Extend your view to the manufacturing establishments in the different States. Their operations require various products of the soil. The operatives who labor in them must be fed; and the demand thus occasioned gives an impulse to the agriculture of contiguous districts, necessarily increases production, and thus adds to the wealth of the agriculturist.

The protection of domestic industry gives stability to the currency.

The specie which is in circulation among us is not adequate to our commercial wants. We require a currency based upon specie, and easily convertible into it, extended in amount as it can be, retaining that quality.

So long as we continue to depend on foreign supply for a large proportion of articles of comfort or necessity, the fluctuations of commerce will subject us in a greater degree to the drain of our specie, and the consequent contraction of our circulation,—thus affecting injuriously various classes of the community. It is only by enlarging our home supply of the chief articles of consumption which we are capable of producing, and keeping our imports within our exports, or our expenditures within our income, that we can prevent the frequent recurrence of these embarrassments.

With regard to the Government, the public credit, and other beneficial consequences of the Tariff of 1842, Mr. Berrien thus spoke:—

Fellow-citizens! We have looked at this question in various aspects. There is yet another which is full of interest. It is the practical result of the Tariff of 1842 in its operation both upon the Government and the people during the short period of its existence. For a moment consider what was the condition of the Government before this law was passed. Mr. Van Buren, during his brief Presidential career, had exhausted both the ordinary and extraordinary resources of the Government, and, looking to the election which was to determine his right to a second term, feared to recommend the imposition of duties, or any other mode of taxation which would replenish the national treasury. Treasury notes constituted its only resource. A Government representing seventeen millions of freemen, and possessed of abundant means, nevertheless paid its debts and met its current expenditures, so far as they were paid and met, *by promises to pay!* He retired from the Executive office and his Cabinet was disbanded, leaving to their successors a large amount of those treasury promises to redeem, and a much larger amount of unliquidated liabilities to provide for. They found the Government not only without resources, but also without credit. Shortly after the accession of the Whig party to power, a bill drawn upon the Treasury, and protested for non-payment, was exhibited in the Senate-Chamber. We sought to provide for the immediate wants of Government by a loan. It was partially accomplished on terms which were not creditable to us as a nation possessed of ample resources, but the acceptance of which was demanded by a regard to the public faith. For the rest, we failed entirely. An agent sent to Europe to procure the residue of the sum required returned without a dollar. We could not go into the money-market and borrow money on terms as advantageous as would be accorded to a responsible private individual. Our treasury notes were below par, and progressively depreciating. Now, why was this? No one doubted the ability of the Government to meet their engagements. It was their willingness to do so which the conduct of the late administration had drawn into question. See the proof. The Tariff Act of 1842 was passed, and instantly, even before its practical influence could be felt, in the extent in which it is now felt, the whole aspect of affairs was changed. The credit of the Government was restored. Treasury notes rose to par, and the stock of the United States has progressively advanced until it is now fifteen or sixteen per cent. above par. The Treasury has been replenished, so that at the close of the late financial year, on the 30th of June last, there were about seven millions of dollars subject to the order of the Government, to be applied to the redemption of the public debt, and to meet its current expenses.

Such has been the operation of the Tariff on the financial condition of the Government. What has been its influence on the condition of individuals let each one who hears me determine for himself by a comparison of his circumstances in 1841 and at the present day. Meantime, it is obvious to all that a new stimulus has been imparted to industry; that confidence between man and man has been restored; that all enjoy more largely the comforts and conveniences of life, and that we can look forward hopefully to the future unless we are faithless to ourselves and utterly unmindful of the lessons of experience.

Fellow-citizens! We cannot part with a system thus beneficent in its influence upon the Government and upon every class of the people, in all their varied interests,—pecuniary, social, and moral,—unless, as our opponents tell us, we have not the constitutional power to enforce it. I do not propose to detain you by an elaborate discussion of this question. The power was affirmed in the Senate-Chamber by one of your own distinguished Senators, (Mr. Choate,) in an argument which challenges refutation; while the historical view of the question has been recently presented by another distinguished son of Massachusetts, who has so happily presided over our deliberations to-day, (Mr. Webster,) in a manner so clear and comprehensive as can scarcely fail to bring conviction to every unprejudiced mind,—to every man who can absolve himself from a slavish subjection to party. Those noble efforts of intellect and patriotism are in possession of the reading public, and to them I refer you.

This somewhat copious extract is given in justice to the public life of Mr. Berrien. No allusion has heretofore been made in this memoir to the leading part he acted in the Convention held at Philadelphia, in September, 1831, adverse to a protective tariff. The address to the people of the United States on that occasion was from his classic pen. The constitutionality of a tariff for protection was denied, and its other objectionable features pointed out by the hand of a master. That address is not now in the possession of the author, to speak for itself. But it is no disparagement to change opinions when convinced of error; on the contrary, a man is entitled to praise for his candor. Mr. Calhoun publicly avowed that he did not consider his judgment on public measures so fixed, so grounded on investigation, as to bind him, until the leisure afforded by his Vice-Presidential career from 1825 to 1832 enabled him to review his opinions and work out the true character of the Government. The like privilege may be accorded to Mr. Berrien, who, in his ten years of retirement from the time he resigned his seat in the Cabinet in 1831 until his return to the Senate of the United States in 1841, had the opportunity of looking into the questions of the day with a mind free from sectional bias. The pith of the argument is contained in his Boston speech on the expediency of the Tariff.

From some cause, Mr. Berrien felt dissatisfied with the treat-

ment he had received from the Whig party of Georgia; and early in the session of the Legislature in 1845 he resigned his seat in the Senate. The Whig members consulted together and instantly re-elected him. A committee notified him of the fact. He met his political friends, and made a speech of considerable length, in which he touched upon various topics in vindication of himself and of the party with which he was identified. He answered all the objections, or pretences of objection, which had been made to his public course. That portion of his speech which related to the annexation of Texas is here copied to serve the ends of history:—

I voted against the resolution by which it was proposed to incorporate the State of Texas in this Union. In doing so, I expressed the almost unanimous conviction of those who had confided to me the trust which I was called upon to execute. In my own deliberate judgment, that resolution was an *open, palpable violation of the Constitution which I had sworn to support*. I placed my vote on the ground of fealty to that sacred charter, and I said to the American Senate, "On such a question, the duties and responsibilities of each individual must give the rule of his conduct. It is to be found in communion with God and his own conscience." I abandoned the question of *expediency* to those who felt themselves at liberty to discuss it. I did not consider that this was my privilege. I said, "It is not expedient for me to do what, in my judgment, the Constitution forbids." I referred to the expression, at a preceding session, of my views in relation to the expediency of this measure; but I added that I would cheerfully yield them to the wishes of my constituents, which I would have taken care to ascertain if the resolution on which we were acting had been compatible with the Constitution. And I added, "Georgia, sir, is my home, as it was that of him from whom I derived my being,—as it is, and will be, the home of my children. Humanly speaking, it is the boundary of my hopes and of my wishes; and, whether for weal or for woe, I am content to share the lot of her people. As a Senator of the State of Georgia, therefore, on a question of expediency, the wishes of her people are my wishes; when made known to me they are the rule of my conduct."

Here is the published declaration of my views and opinions,—the recorded evidence of my conduct on this momentous and agitating question. I know that they met the approbation of my political associates at home from the many and cheering evidences of approval which were transmitted to me; while even among my opponents there were those who looked with dismay on the inroad which had thus been made on the Constitution of the Union.

Whence, then, this denunciation, which an act of treason to the Constitution could alone have averted? Let me tell you, gentlemen, it is not the condemnation of the past, but the apprehension of the future, which prompts it. Honest men, though they may be political opponents, would not require from me the commission of perjury, even for the acquisition of Texas. That act is not, therefore, the motive to this denunciation: it was the fear of the future which prompted it. The consummation of the union of Texas with this Confederate Republic remains with the American Congress; and the apprehension is that this consummation may be resisted

under a continued sense of constitutional obligation. On this point, so far as I am concerned, our opponents may dismiss their fears. They have a security which, under a change of circumstances, they could not give to us, alike resulting from my sense of the constitutional power and duty of an American Senator. The opinion which I am now about to state has been heretofore expressed on the floor of the Senate on another occasion in combating the doctrine then advanced by a member of that body. It is still my opinion, and must therefore guide my conduct if called to act upon this question.

In all open questions, where no previous legislation embarrasses his action, a member of Congress is not only permitted, but bound, to decide for himself how far the proposed measure conforms to or violates the Constitution of the United States. When, however, an act has received the concurring sanction of both branches of the National Legislature, and has been approved by the President, it acquires the authority of law, and it depends upon another department of the Government to decide the question of its constitutionality. So long as it remains on the statute-book, sustained by those sanctions and not annulled by such decision, it is obligatory upon legislators as well as citizens. I will exemplify this opinion. If I believed, as some of our opponents, that Congress had no constitutional power to establish a bank, and, acting on this belief, had voted against its charter, I should not consider myself authorized to refuse by a subsequent act of legislation to provide for the punishment of offences against the corporation on the ground that its charter was, in my individual judgment, unconstitutional. I presume that this must have been Mr. Jefferson's view when he approved an act establishing a branch of that corporation the constitutional validity of whose charter he had denied.

In the consummation of their wishes for the annexation of Texas, I have said that its advocates have a security which, under a change of circumstances, they could not give us. With them the maxim is that each public agent is to obey the Constitution as he understands it,—a maxim signally illustrated in the House of Representatives of the United States, when, in defiance of the act for the apportionment of Representatives, they admitted to seats on that floor persons who had been elected in utter disregard of its provisions. I admit the truth of the aphorism that it is lawful to be taught by an enemy; but that lesson I am not willing to learn.

On the question of expediency, my opinion stated in the Senate remains unchanged. I did not doubt that some of our people, abandoning the worn-out fields of Georgia, might derive an immediate profit from the cultivation of the rich and virgin soil of Texas. But I love Georgia better than Texas, and I felt that I was bound to consult the welfare of her collective people rather than that of those who, influenced by the thirst of gain, would abandon their native land and the homes of their fathers, leaving it in comparative desolation with the resources which it had given them to build up and enrich another State. I did not realize the truth of the proposition that the annexation of Texas was necessary to the conservation of our peculiar domestic institutions. My personal observation had assured me that the danger with which these were said to be menaced had been magnified by demagogues; and my own view was, and is unchangeably, whenever that danger shall really exist, that the safer as well as loftier course for Southern men to pursue, is to cut at once the cord which binds us to fanatics, and to meet as open enemies rather than

as confederate States those who would seek thus insolently to interfere with a subject which belonged to us, and to us alone, exclusively to regulate.

I could not doubt—since a portion of Texas, from its soil and climate, was adapted to slave-labor—that the South by its admission would acquire an accession of strength in the councils of the Union; but, when I looked throughout the Confederacy, and saw how many of our confederates were in the process of change from the condition of slave to free States, and the utter impossibility that a converse change would occur in any single solitary instance, I felt that this struggle for Southern preponderance in those councils by superiority of numbers was vain and idle,—a war against the fate to which our union with the other States of the Confederacy had destined us, only to be compensated by the essential advantages which that union secured to us; that it might temporarily subserve the views of those whose lives had been spent in one long dream of elevation to the Presidency of these States, but that it could not permanently promote the interests of the South. I feared, too, the influence of this precedent and the overwhelming retribution which might be brought upon us when circumstances should permit and a majority of Congress should resolve upon the annexation of States resting on another border of our Confederacy.

The address from which the above extract relative to Texas is taken was published on a request which was made known to Mr. Berrien by a committee, to whom he replied as follows:—

SAVANNAH, November 22, 1845.

GENTLEMEN:—I have the honor to acknowledge the receipt of your letter of the 14th inst., transmitting to me a copy of certain resolutions adopted by the Whig members of the Legislature on the 13th inst., and asking from me for publication a copy of the address delivered by me at that meeting.

Availing myself of the earliest moment which, among many and pressing engagements, I have been able to command, I have hastily committed to paper, and now forward you, the substance of that address.

I avail myself of the occasion, through you, to offer to the Whig members of the Legislature of Georgia my respectful acknowledgments for this renewed expression of their confidence, and to you, gentlemen, the assurance of respect and esteem with which

I am, faithfully, yours,

JOHN MACPHERSON BERRIEN.

To the Hon. A. J. MILLER, C. H. SHOCKLEY, and A. F. OWEN.

At the same session of the Legislature (1845) the act was passed organizing the Supreme Court of Georgia; and it was the general desire and expectation of the public, without regard to party lines, that Mr. Berrien should be elected one of the judges. At the request of the author, an original letter has been placed in his hands by the gentleman* to whom it was addressed, with permission to use it

* Hon. Allen F. Owen.

in this memoir. It shows the caution of a great mind in administering law, which ought to rebuke that haste, not to say rashness, with which some judges decide questions of intrinsic difficulty. Still, it is not pretended to assert that error is the common result of the instantaneous action of our courts. Some are better prepared by sudden illumination than they would be by prosy arguments, long continued, even to the exhaustion of mind and body. The happy medium has not yet been established, nor can it be until the faculties and tastes of men conform to a standard,—of which there is not the remotest possibility. In the case of Mr. Berrien, his modesty will, no doubt, surprise some who have never been recognised by the public as jurists, but who would, nevertheless, consider it a very great omission of duty on their part to decline an office equal in dignity to that of Chief-Magistrate.

WASHINGTON, January 26, 1846.

MY DEAR SIR:—I was gratified by the receipt of your letter, and would gladly have availed myself of an earlier opportunity to say so; but, in doing so now, I beg to add that I shall always be glad to hear from you.

I would willingly have contributed my mite to the successful introduction to the people of our Court for the Correction of Errors, if its organization had been such as to have given me hope that I could do so. That I thought impossible. Independently of the sacrifice of individual comfort in attendance upon an itinerant court for eleven months in the year, the fact that it was required, in many instances, to be held in remote places, where the judges could not have access to a tolerable law-library and would probably be aided only by the local bar, was decisive against my acceptance of the office. I pretend not to say what others can do. I am quite satisfied that I could not have discharged its duties to my own satisfaction. A life spent in the study of my profession—which I have pursued with some degree of ardor, though, perhaps, not always with sufficient industry—has not qualified me to decide important legal questions without resort to books and time to weigh their maxims; and I was not willing, for the temptations which this office afforded, to sacrifice what little of legal reputation I may have among my countrymen. I was anxious to convince our friends of my desire to meet their wishes if the office could be placed on such a footing as would justify my acceptance of it, and therefore suggested some alterations to be effected by a supplemental bill; but I was *not* anxious, so far as I was personally concerned, that these should be adopted.

* * * * *

There is no occasion for war with England. I am satisfied the Executive does not expect it; but there are some in Congress and the country who wish it, and more who hope to make political capital by professions of their patriotism and blustering denunciations of England, which may lead to it. Withal, I fear that a propensity for President-making in the Whig ranks may diminish our capacity to resist the efforts of demagogues.

I was sorry you had not more time to give us in Savannah, and would have been glad to see you before your departure, as I will be whenever you visit us again. Meantime, I will be gratified to hear from you, and will in reply advise you of the state of things here.

I am, dear sir,

Respectfully and truly, yours,

JNO. MACPHERSON BERRIEN.

Another letter from Mr. Berrien to the same friend* is here submitted, showing the relative strength of Mr. Clay and Gen. Taylor with the Whig party for a nomination for the Presidency in 1848. It will be seen by the closing paragraph that the letter was not intended for publication; but as the motive of privacy, then proper enough, can no longer apply to aspirants of the same party, and as the silence of the tomb now mantles all that is mortal of the distinguished Taylor, Clay, and Berrien, there can be no impropriety in giving that letter to public inspection, as a record of the calculations which decide great political movements. Besides, it may be truly claimed for Mr. Berrien that it was not his character to write any thing which he would be ashamed to see in print, if all the circumstances were known to the public.

WASHINGTON, March 28, 1848.

MY DEAR SIR:—I duly received your very kind and welcome letter, and have desired to reply to it; but a constant pressure of engagements such as, for a shorter term, you have experienced at Milledgeville, has prevented me from doing it sooner. I have been compelled to tax my eyes, too, somewhat beyond their capacity, and they have been a little rebellious. I hope this delay will not induce you to abstain from writing. Volumes of correspondence reach me from other States; but the only really welcome letters, speaking generally, are those which come from my own.

I read with great pleasure the account which you give me of B——'s success, as satisfactorily confirming the representations which had reached me from others. He has fine talents and a popular eloquence, happily combined with stern integrity, warm affections, and a manly independence of character. If his life is spared, I shall expect to see him prominent in the councils of the nation.

The division of opinion among Whigs in relation to Mr. Clay and Gen. Taylor, of which you speak, certainly exists to an unfortunate extent,—not as to the comparative qualifications of the two gentlemen, nor yet as to the individual whom the disputants would prefer to see elected, but as to (what they have coined a new word to designate) their *availability*. All admit Mr. Clay's superior qualifications. Nine-tenths of the party would prefer to see him elected if they could believe it practicable; but he is a defeated candidate. Public and private considerations require that the party should be successful in the approaching contest; and, while these apprehensions are oppressing us, the name of a *Whig* general, rendered illustrious by his triumphs, is proclaimed by acclamation, and, *apparently, by all parties*. The result was natural. Many leading

* Col. Owen.

Whigs, sincere friends of Mr. Clay, adopted Gen. Taylor as their candidate, and justified their abandonment of the former by declaring their belief that he could not under any circumstances be elected.

It has been thus with us in Georgia, with a superadded motive, springing from the belief that Gen. Taylor's nomination would have aided us in the late election for Governor,—in which we were sadly mistaken. My firm belief is, and was, that if we had relied less on the military *prestige* of our candidate and the effect of the nomination of Gen. Taylor, and had conducted that canvass zealously on the ordinary issues, with the super-added one of the Mexican War, we would have succeeded.

But I am omitting to answer your inquiry, whether Mr. Clay or Gen. Taylor will be the Whig candidate; and, in truth, it is difficult to do so. I can only state facts and opinions as they appear to me here. Mr. Clay's name is not yet at the disposal of the party. He came here with a determination to forbid its use, but was prevailed upon to postpone the announcement of it until after the Connecticut elections, concerning the result of which there are fears. This was at the instance of Eastern gentlemen. It is now understood that when at home, whither he has gone, he will survey the whole ground and make and publish his final determination. The truth I believe to be, that, naturally desirous as he is to attain a prize for which he has been so long striving, he is yet extremely reluctant to hazard defeat, and will endeavor to ascertain the probable result before his determination is announced. Yet I presume his name will be before the Convention, because I think the recent manifestations of public feeling are calculated to bias the judgment of a man of far less sanguine temperament than Mr. Clay. Before the Convention Mr. Clay will not, as compared with Gen. Taylor, be as strong as he would be before the people. Gen. T. will get in Convention the votes of delegates from Democratic States, from which he will get no support at the polls. The nomination is, therefore, I think, somewhat uncertain, though the friends of each party claim it as undoubted.

My fear has been that we could not elect any Whig. My belief is that Mr. Clay stands a better chance, if nominated, than any other. My reasons are, that he would get every State he got before, except perhaps Tennessee, in lieu of which he would, it seems to be conceded, get New York. Indiana, Tennessee, Louisiana, and Georgia would be to be contended for. If we had not unfortunately committed ourselves, I would not fear a contest in Georgia. I could name a dozen men whose cordial co-operation, if they were unembarrassed by previously-expressed opinions, would insure it. So much for Mr. Clay.

Now, as to Gen. Taylor, I think he will lose more Whig than he will gain Democratic votes. I have no idea that he can get any Democratic State but Mississippi. While in his present position, which he declares to be immutable, gentlemen from the Northern and Eastern States say they will not vote for him. They require a man who will avow himself their candidate and the exponent of their principles. I do not hesitate to avow my preference for Mr. Clay, and my readiness to support Gen. Taylor if he is nominated.

I have answered your inquiries frankly; but I do not write for the public. You are entitled to such information as I can give, and you have it. Let me hear from you, and believe me, always,

Very truly, yours,

JNO. MACPHERSON BERRIEN.

In 1847, Mr. Berrien had been re-elected by the Legislature of Georgia for a new term in the Senate, to expire March 4, 1853. During this service the Compromise measures were discussed and adopted by Congress. It will not be necessary to follow the learned Senator through the debates on the Oregon question, Wilmot Proviso, Mexican War, Clayton Amendment, Slave Rescue in Boston, support of President Fillmore in executing the Fugitive Slave Law, and other agitating questions, in which he bore a conspicuous part, always to the instruction of the Senate, and to the delight of the crowded gallery of spectators when it was known that he would occupy the floor. Much space has already been devoted to extracts from his speeches which appeared necessary to his vindication; for it was his fortune, good or bad, to be ever severely scrutinized, and to have less than justice meted to him by his political opponents, as a general thing. It is no discredit to them that his eminent abilities, commanding reputation, the splendor of his eloquence in debate, the graces of his pen, and the influence of his unsullied name, constituted him an adversary whom they might well dread. But why he was traduced in so persevering a manner by a portion of the press and certain party leaders in Georgia can be explained only by the plea of human infirmity when interest and justice are in opposite scales.

Much has been said of late of the petition signed by three thousand clergymen of New England, praying the repeal of the Fugitive Slave Law. On the 17th of February, 1851, Mr. Hamlin, of Maine, presented to the Senate a petition for this object, which is believed to be the same in substance, if not in the precise form, of that signed by the clergy, as follows:—

To the Senate and House of Representatives of the United States.

Whereas, Congress, at its late session, did pass a bill entitled An act to amend and supplementary to an act entitled An act respecting fugitives from justice and persons escaping from the service of their masters, approved February 12, 1793, which said enactment was approved by the President, September 18, 1850;

We, the undersigned, residents of the town of Burnham, in the county of Waldo and State of Maine, regarding that said act is in conflict with the Constitution of the United States, and also as infringing upon the duties which we owe to benevolence, to humanity, and to God, and being unwilling to comply with its requisitions or submit to its penalties, earnestly ask its speedy repeal or modification.

On the motion of Mr. Hamlin, the petition was referred to the Judiciary Committee, which fact coming to the knowledge of Mr.

Berrien, he on the same day urged his objections, which may be seen in the official reports* of the Senate, thus:—

When the Senator from New Hampshire advises his coadjutors to transfer these speeches—calculated, if not intended, to produce excitement among the people of this Union—from the Senate-Chamber to the stump, it would have been gratifying if he had enforced his precept by his example. But I rise for the purpose of calling the attention of the Senate to the nature of the memorial which has produced this discussion. Unquestionably it was by an oversight that the vote of the Senate to refer it to the Judiciary Committee was taken. Sir, what is it? We are told that the signers of the paper are respectable persons. What evidence is there in the paper presented to the Senate that this memorial was ever signed by those individuals? Here are several sheets of paper on which names are inscribed, and on the top of these papers is pasted a memorial. There is not the slightest evidence upon the face of the paper that the memorial was ever subscribed by the individuals whose names are attached to it. And, sir, if they are of the respectable character which is given to them by the Senator from Maine, of which I will not permit myself to express, because I do not entertain, a moment's doubt, the inference is a plain one that such men of respectable character have never signed such a petition. What is it? It states that you passed a law at the last session of Congress which violates the Constitution of the country, which is in conflict with the duties which we owe to benevolence, to humanity, and to God,—a law with the requisitions of which they are not willing to comply, and to the penalties of which they are not disposed to submit. It is this memorial, calling for a modification or repeal of the Fugitive Slave Law, which, by a vote of the Senate, is to be referred to the Judiciary Committee. And now, I pray you, what is the inquiry, or what are the inquiries, which that Committee is to make? We are to inquire if the Congress of the United States at the last session have passed a law in violation of the Constitution,—have passed a law violating the duties of benevolence and humanity, and the duty which we owe to God. We are to inquire whether these memorialists are bound by the requisitions of that law to submit to its requirements or bear the infliction of its penalties. I ask whether this is such a memorial as ought to be referred by this Senate to one of its committees. I think, apart from all that has been said on this subject, the character of this memorial is one that forbids such a reference. I trust that the motion of the Senator from Missouri will prevail, that the subject will be reconsidered, and, since the memorial has been received, we shall do, from respect to ourselves, what that respect would have indicated if this suggestion had been made anterior to its reference, that we shall dispose of this memorial in the most summary manner possible. Such a memorial, if its substance had been known to the Senate, I trust would not have been received; and, the motion to reconsider having been made, I trust it will prevail.

The motion to reconsider was agreed to, and, on motion of Mr. Badger, the whole subject was laid on the table.

The visit of Kossuth to the United States, and his formal recep-

* Globe and Appendix, vol. xxiii, p. 577.

tion by Congress, formed something of an epoch difficult to characterize. It may be, and was, in fact, claimed, by a certain impulsive class of our statesmen, as not only the expression of sympathy by the American people for the oppressed of all nations, but an obligation to assist those who prove worthy of freedom by an effort to cast off the yoke of despotism. While on the other hand equal sympathy is felt, the uniform established policy of the Government, from the lessons and examples of the first President down to our day, to abstain from all interference with foreign powers, must be maintained with inflexible impartiality. Such was the opinion of Mr. Berrien, as will be shown hereafter.

On the 26th of February, 1851, the substitute offered by Mr. Shields to the resolution originally proposed by Mr. Foote was adopted by the Senate in the following words:—

Whereas the people of the United States sincerely sympathize with the Hungarian exiles, Kossuth and his associates, and fully appreciate the magnanimous conduct of the Turkish Government in receiving and treating those noble exiles with kindness and hospitality; and whereas it is the wish of those exiles to emigrate to the United States, and the will of the Sultan to permit them to leave his dominions: Therefore,

Resolved, by the Senate and House of Representatives of the United States in Congress assembled, That the President of the United States be, and he hereby is, requested to authorize the employment of some one of the public vessels which may be now cruising in the Mediterranean to receive and convey to the United States Louis Kossuth and his associates in captivity.

This resolution also passed the House of Representatives, and, in compliance with it, Kossuth and his followers were brought to the United States. After their arrival, Mr. Seward, on the 8th December, 1851, submitted this joint resolution in the Senate:—

Resolved, by the Senate and House of Representatives of the United States in Congress assembled, That the Congress of the United States, in the name and behalf of the people of the United States, give to Louis Kossuth a cordial welcome to the Capital and to the country; and that a copy of this resolution be transmitted to him by the President of the United States.

The next day it was taken up, and the question was on ordering the resolution to a second reading. Mr. Berrien addressed the Senate, opposing its adoption. As the "Kossuth mania" has subsided, it is well enough to circulate the arguments of a statesman so judicious as Mr. Berrien proved himself to be on that occasion. A part of his speech* is here given, as containing the pith of the whole matter:—

The consideration which I am disposed to give to this subject, the

* See Cong. Globe, vol. xxiv. part 1, p. 43.

gravity of the question presented to us, arises, therefore, from the fact, patent on the face of the proceedings exhibited to us, that Mr. Kossuth expects from us, from the American Government, voluntarily,—of their own accord, if they will, and, if not, from the American people, acting upon the American Government, under the excitement produced by his narrative of Hungarian wrongs, a similar result,—a pledge that they will so far interfere in the contest about, as he says, to be renewed in Hungary, as to say to every foreign power, “You must abstain from all interposition. The people of Hungary have the right to establish the principles of their own government. They are engaged in a contest with the power of Austria. You must not interfere. We hold this to be the principle which our position in the civilized world requires us to maintain.” We are to become the champion of this principle, and, in union with Great Britain, we are to say to the Emperor of Russia, “Stand off! If you attempt to interpose in this contest between Hungary and Austria, we shall be bound to render such interposition fruitless.” Is this a fair interpretation of the facts which are before the public? I ask, without quoting them, a reference to the speeches of Mr. Kossuth delivered in various places in Europe, to the speech of a distinguished citizen of our own country in England, to the sentiments avowed by an American official there, and to various declarations made by Mr. Kossuth since his arrival on our shores.

Now, what is the position in which he places this matter? He says to you, “The expression of your sympathies—of that feeling which is natural to every freeman—is grateful to the Hungarian: but the expression of your sympathy is valueless; it can do us no good. Our necessities require that the expression of your sympathy should be followed by some efficient act on your part. I am a plain man,” he says; “I am now here, where I am free to speak; and I tell you that I come to ask the aid of your Government to secure to my countrymen the enforcement of the principle that no foreign power shall be permitted to interfere in the contest which we shall wage with Austria for the establishment of our independence.” Sir, if gentlemen have read the speech of the distinguished American citizen in Europe to whom I have referred, they have seen distinctly avowed this proposition.

There is about to be a convulsion in Europe. A league of despots have combined for the purpose of destroying all republican governments, and the question proposed is, Shall we wait until, isolated and alone, we are compelled to arrest their aggression? or shall we unite ourselves with the only really free Government on the other side of the Atlantic, and announce, in advance, our determination to maintain the principles for which Mr. Kossuth contends? In express language, it is said, in the speech to which I have referred, that England and the United States, looking to their mercantile and naval marine, command the ocean; that they have it in their power to blockade the ports of those despotic powers, if it be necessary, or, if not necessary, to place their vessels at the mouths of the harbors of their different ports, and to repeat the operation which was practised by our own Government upon Mexico during our war with that power,—to levy duties on vessels entering those ports, and in that way to destroy their commerce.

I refer to these details not for the purpose of commenting upon them, not of expressing an opinion as to their efficiency, still less to intimate any opinion of the correctness of their avowal, but simply to show that it is not your sympathy which Mr. Kossuth asks. It is not public honors

to himself which he seeks. No, sir: he comes here to obtain from you a pledge to enforce the principle that no foreign power shall be permitted to interfere between the Hungarian people and the Austrian Government in the event of a renewal of the contest. Are we prepared to give that pledge? Whence do we derive our authority? We have in these two Chambers the right to exercise all legislative power which is conferred by the Constitution; and among these powers is that of declaring war. Have we the power, under circumstances like the present, to pledge this Government irredeemably to a course of action which may lead to war, and which must, in all human probability, have that result?

I do not know what estimate is formed of the character of the Emperor of Russia: it has not been a subject of my study. But I can imagine that if any thing could arouse the feelings of an individual to resistance against such interference as is proposed, it would be the annunciation of the principles that we, to them a trans-Atlantic power, a free people who have hitherto declared that, while maintaining the principles of freedom within our own limits, we abstain absolutely and entirely from all interference with any other Government,—nay, more, that we will allow (as some are disposed to assert) no interference of any European power in the affairs of this Continent,—if any circumstance, I say, could arouse the feelings of the individual who is now at the head of the Russian Empire to a degree which must inevitably result in war, it would be the course which it is now proposed to pursue. That this course is contrary to the settled policy of the Government from its foundation, I think no one will be disposed to deny. Our Presidents and our Congresses have not hesitated to express, in times past, their devotion to the principles of civil liberty. They will not hesitate now. But, from the time of General Washington's Farewell Address to the American people, down to the present moment, the principle of avoiding entangling alliances with other nations,—such as, I think, must be the inevitable result of the progress of these proceedings, if they should be adopted,—the principle of avoiding all interference with the disturbances or convulsions of Europe, has been uniformly and emphatically avowed.

I desire to ascertain from the American Senate—according to the individual whom it is intended to honor on this occasion all the merit which his most enthusiastic admirers may be disposed to claim for him—whether they are disposed to depart from that principle of policy by adopting a measure which, in my judgment, necessarily involves that departure.

We are told of the interpretation which the civilized world has given to the mere act of invitation which has been extended to this individual and his associates, by sending for them a national vessel; and if, after the avowals he has made in England,—if, after the declarations of the distinguished American citizen to whom I have referred, and which Mr. Kossuth says expresses all his feelings and all his desires,—if, after the declarations which Kossuth has made after landing on our shores, the distinction which he has drawn between the Government and the people, his avowal of a determination to appeal to the people for the active sympathy which he invokes in behalf of his country,—if after this, which is perfectly known to us, the Congress of the United States, representing the thirty-one sovereign States of this Union and the twenty-five millions of people which compose it, shall welcome him to the shores of the United States in this formal manner, do they not thereby impliedly acquiesce in the object which he thus publicly and in advance announces that he came here to accomplish? Is not that the very interpretation the civilized

world will give it? He says to the American people,—and the declaration is before us while we are agitating the question:—

I do not come here to ask your sympathy. That is gratifying, but valueless. I come here to invoke the aid of the great American Republic to protect my people, peaceably if they may, by the moral influence of their declarations, but forcibly if they must, by the physical power of their arm,—to prevent any foreign interference in the struggle about to be renewed for the liberties of my country. I am a plain man. I am in a land of freedom. I am permitted to speak freely my sentiments. This is what I ask. If this is accorded to me, I go home, and the liberties not merely of Hungary, but of Europe, are secured. If not, I go with my countrymen alone to renew that struggle for the achievement of our liberties.

This language is too distinct to be mistaken. If this resolution passes, extending to him alone (departing from your invitation, for that included his associates) the welcome which it proposes, after these declarations of the object for which he comes here, the civilized world will be much more authorized than they were by the invitation which has been referred to by the Senator from New York [Mr. Seward] to conclude that the welcome to Governor Kossuth implies a pledge that we will interpose, if necessary, and in the manner he desires, for the protection of the Hungarian nation. In my judgment, this inference is inevitable; and if it be not, yet if it occasion doubt, if it result in producing opposition to this resolution in its present form, if gentlemen do believe (and I doubt not they are sincere in the declaration) that this is a mere testimonial of the respect and good-will of the people of the United States toward a distinguished advocate of the cause of civil liberty, they will not hesitate to accept the amendment which I shall submit, and which is simply calculated to exclude this conclusion. I desire, in the first place, by the amendment which I shall propose, to fulfil the expectations which were reasonably created by the invitation, by extending this resolution to the associates of Governor Kossuth. The interposition of the American Government in behalf of these captives was not confined to that individual alone: it extended to all his associates in captivity. The invitation to our shores equally embraced them all. If, therefore, we are acting in fulfilment of the obligations created by the invitation, we must not confine the resolution to Governor Kossuth, but must extend it to his associates. To him and to them, to the full extent of my constitutional powers, I am willing to afford an asylum within the limits of the United States, and to provide all the means of making that asylum comfortable. But I should be unfaithful to my duty as an American Senator, according to the convictions of my judgment, if I suffered any zeal for the advancement of the principle of civil liberty on the other side of the Atlantic to induce me to jeopard the safety and the vital interests of the country which is my own, to which I owe my first, entire, and absolute allegiance. I am unwilling, therefore, to leave it to implication, that by this reception, under these circumstances, we have entered into a pledge that by the exertion of moral, and, if necessary, of physical, force, we will protect the people of Hungary from all foreign interference upon the renewal of their struggle. Such a pledge would be irrevocable. It could not be violated without dishonor. It could not be redeemed without putting in jeopardy the best and most vital interests of our country.

These are the views which I entertain on this subject, and, in accordance with them, I propose to amend the resolution by adding to it the following:—

And be it further Resolved, That the welcome thus afforded to Louis Kossuth be

extended to his associates who have landed on our shores; but, while welcoming these Hungarian patriots to an asylum in our country, and to the protection which our laws do and always will afford to them, it is due to candor to declare that it is not the purpose of Congress to depart from the settled policy of this Government which forbids all interference with the domestic concerns of other nations.

Finally, on the 12th of December, 1851, the vote was taken on Mr. Berrien's amendment in two branches: first, that the welcome be extended to Kossuth and his associates, which was rejected,—yeas 13, nays 27; second, that the ancient policy of the Government be not disturbed, which was also rejected,—yeas 15, nays 26. The vote was then taken on the original resolution, which passed in the affirmative,—yeas 33, nays 6. The resolution was subsequently passed by the House of Representatives, and its adoption notified to the Senate on 15th December.

The formal reception of Kossuth is thus described in the official report* of the Senate, January 5, 1852:—

At one o'clock the doors of the Senate-Chamber were thrown open, and Governor Kossuth, supported by the Committee appointed by the Senate to introduce him, the Hon. James Shields, the Hon. William H. Seward, and the Hon. Lewis Cass, entered and advanced within the bar, the Senate rising to receive them.

The suite of Governor Kossuth, in military uniform, were grouped below the bar.

Mr. Shields addressed the President as follows:—

Mr. President, we have the honor to introduce Louis Kossuth to the Senate of the United States.

The President *pro tempore* then addressed him as follows:—

Louis Kossuth, I welcome you to the Senate of the United States. The Committee will conduct you to the seat which I have caused to be prepared for you.

He was then conducted to a chair in front of the President's desk, and seated with the Committee of the Senate.

Mr. Mangum arose some time afterward and said:—

Mr. President, with the view of affording Senators an opportunity of paying their respects to our illustrious guest, I move that the Senate do now adjourn.

The motion was agreed to.

The President then descended to the floor of the Senate, and was introduced to Governor Kossuth by the Committee. The other Senators were also severally introduced; after which gentlemen and ladies present in great numbers sought the same gratification. Among the incidents of the levee, it may be mentioned that when the martial figure of General Houston approached Kossuth there appeared to be a special attraction in the person of the hero of San Jacinto. The introduction having been made, the following brief but expressive dialogue ensued:—

Mr. Houston. Sir, you are welcome to the Senate of the United States.

Mr. Kossuth. I can only wish that I had been as successful as you, sir.

Mr. Houston. God grant that you may yet be so!

Subsequently the distinguished stranger was conducted to the Vice-

President's room to which the President *pro tempore* and Senators retired with him.

The visit of Kossuth and suite to the Capital, for a period of ten days, and his public reception as the guest of the American people, gave rise to another *little proceeding*, couched in the words of Mr. Seward, in behalf of Mr. Shields, who was absent from the Senate, February 12, 1852:—

Resolved, That the expenses incurred in the reception of Louis Kossuth and suite, during their late visit to the Capital by invitation of Congress, be paid out of the contingent fund of the Senate, when approved by the Committee of reception, to an amount not exceeding five thousand dollars.

After considerable debate, the resolution was adopted on the 11th of March, 1852, by yeas 31, nays 6.

The selections from the speeches of Mr. Berrien have been made to illustrate the questions on which they were delivered, more than as specimens of his eloquence. There is no doubt that many speeches and paragraphs more beautiful than any here quoted have been omitted by the author. The perfect charm was in the elocution of Mr. Berrien, a just idea of which cannot be conveyed on paper.

The period has now arrived when he voluntarily retires from public life. The resignation of his seat in the Senate is thus noticed in the published record* of May 28, 1852:—

RESIGNATION OF MR. BERRIEN.

The President. The chair has received from an honorable Senator from Georgia, John Macpherson Berrien, a statement that he has resigned his seat in the Senate of the United States. The chair will take occasion to say, that, having long served with that honorable Senator, it is with deep regret that he finds himself under the necessity of presenting this communication. That Senator had always shown himself upon this floor to be a gentleman of uniform courtesy. His ability all can appreciate for his services here. His usefulness to the country the country will appreciate; and his resignation will be deeply regretted.

The letter of resignation was read, as follows:—

WASHINGTON, May 28, 1852.

SIR:—Be pleased to accept this as the resignation of my seat in the Senate of the United States. Having already notified the Governor of Georgia of my intention to retire from the Senate, it only remains, in closing my connection with a body with which I have been so long associated, to express to its members my respectful good wishes for their

* Cong. Globe, vol. xxiv. part 2, p. 1493.

individual prosperity and happiness, and to subscribe myself, very respectfully, your obedient servant,

JOHN MACPHERSON BERRIEN.

To the Hon. WILLIAM R. KING,

President pro tem. Senate of the United States.

*Mr. Butler.** As the subject is up, perhaps I should announce that a vacancy on the Judiciary Committee is caused by the resignation of the Senator from Georgia. I desire to ask that a member may be appointed to fill the place of that gentleman. In doing so, I take occasion to say that he has been a most valuable member upon that committee. He was my counsellor; and upon all important questions, particularly those of a Constitutional character, I resorted to Judge BERRIEN with more confidence, perhaps, than to any other member associated with me on that committee,—meaning no disparagement to the others, but because he had been longer on the committee, and was more familiar with the subjects before it. And I can only announce, while asking that his place may be filled with another, that I much regret his departure. I move that the vacancy be filled by the President of the Senate.

Soon after his return to Georgia, Judge Berrien attended the Supreme Court at Americus, where he appeared in several important bank cases,† taken up on writs of error from Columbus, involving the personal liability of the stockholders for the outstanding bills issued by the bank as circulation. His argument occupied some two or three days, and is said to have been a masterpiece of judicial learning and logic. It was on this occasion, returning from the court, that he passed a night in Oglethorpe, then quite a populous and thrifty town at the terminus of the Southwestern Railroad. Such was the respect entertained for him by all parties, that, after hearing a discussion on Presidential topics, the citizens formed a procession and marched in perfect order to the hotel, where a pleasant scene took place, which was thus described in the *Southern Democrat* of July 24, 1852:—

HON. JOHN M. BERRIEN.—This distinguished citizen and faithful public servant of Georgia received the public greeting of a large concourse of the citizens of Oglethorpe, on Thursday night, at the Empire Hotel. On his way home from Americus, whither he had been attending the Supreme Court, Judge Berrien was casually in our midst, reposing himself after severe professional labor and a slight attack of indisposition. His name was dear to the people of Georgia. As an orator, statesman, and jurist, his fame was in every clime. No wonder, then, that his presence should call forth such a demonstration of respect from the warm-hearted and patriotic of all parties in our city.

About ten o'clock at night, the concourse assembled at the hotel, and,

* Senator Butler died May 24, 1857.

† See *Thornton vs. Lane*, 2 Georgia Reports, 459. The argument on both sides occupied eight days.

upon being informed that the judge had retired, sent him a respectful message to appear at the window, that they might receive even a few words from him. The judge consented that his friends outside might give one cheer and then leave him to his rest, for he was too feeble in body to make them a speech. They began to shout his name, and then cheer after cheer succeeded, until the veteran Senator, the beloved associate of Calhoun, Clay, and Webster, appeared at the window. Perfect silence reigned, to catch every tone of his rich voice. He returned thanks, and excused himself in a manner so graceful and eloquent that it was deeply regretted the remarks could not be extended. But the voice of Judge BERRIEN had been heard,—that voice on which Chief-Justice Marshall used to hang with delight, and which has charmed vast assemblages of his countrymen in the court-room, in literary halls, at mass meetings, and in the Senate-Chamber. He took the cars yesterday for Savannah. May happiness and long life crown his eminent career!

The Senate of the United States is still a very respectable body. It used to be more: it was illustrious. Never did it possess such an array of talent, of dignified and practical statesmanship of the very highest order, as when CALHOUN, CLAY, WEBSTER, and BERRIEN were members together. Mr. FORSYTH was entitled to rank in this galaxy. It may indeed be said that there were giants in those days. The Senate has suffered an eclipse. Broad, pure sunlight may again irradiate it. The men are on hand, to be brought out, like the statue in the block of marble, by removing the concealment. The views* of the author on this subject were lately given to the public, which he here ventures to transcribe. He had been glancing through Revolutionary statistics and benefactors, paying at the close a deserved tribute to the Hon. LEWIS CASS, (from whose speech on the mission of the Papal States to this country he quoted,) and then the author continued:—

The fathers of the republic are gone; the second generation since has almost passed away; and now, in the midst of a sanguine and progressive age, we are pushing the conquests of civilization throughout the Western world. General Cass is, perhaps, the only civilian now in service whose youth mingled with the sages of the Revolution. His career has been one of honorable success, and long may he live to promote the good of his country.

On a proud eminence, and as belonging to a class of men nearly extinct, three other names occur to us deserving a grateful tribute. Other than the three, we mention no more living in the balance of this paper. We have no fear of exciting jealousy by the record. BERRIEN, EVERETT, and PRESTON, each in himself unites the Ciceronian elements of character, in a degree never excelled in our country,—ripe scholarship, faultless oratory, and the highest moral cultivation. As stars of fixed magni-

* See September No., 1855, of De Bow's Review, vol. xix. p. 286—Art. "Chronicles of the Government and People of the United States."

tude, long may they adorn the horizon of freedom and literature, to win our youth to greatness in the same paths!

With such names as we have introduced in the course of this article, and others familiar to the public, always present to our thoughts, we are apt to pronounce the race of great men as forever gone, and that the actors now on the political stage can never achieve equal celebrity. True, the material is different: the same influences that marked out WASHINGTON, FRANKLIN, and HENRY, and made them the wonder of mankind, may never be brought to bear again, to develop character. In their day, intelligence was less diffused among the people than at present; it was locked up in few minds, and its exhibition was the more striking on that account. A man who could write in good style was a prodigy; respectable gifts of speech secured distinction to the possessor at once. We honor the men of the Revolution, heroes, jurists, and statesmen, authors, artists, and bards, and we hope ever to venerate them: still, we do not yield to them superiority over the men now in action, and those preparing for the public arena. We briefly give some of our reasons.

Let any man take up the four volumes of the Congressional Globe and Appendix—in all, thirty-five hundred quarto pages—for the first session of the thirty-third Congress, and let him read the conversational debates, and those of a more formal character, as given by the reporters, and he will find talent, wit, humor, searching argument, keen invective, bold eloquence, and stores of historical and diplomatic information, with a facility of applying it, that will astonish him. We know that the mind is there,—mind that is improving; every stroke of the hammer eliminates a spark and strengthens the metal. And, lest we might be suspected of a very high degree of *juniorship* in such matters, we frankly state that the handsome dress in which most of the debates appear, the harmony of periods, the connection of ideas, and the order of argument, are often supplied by the reporters, who have a professional pride to allow no crudities to meet the public eye. We have heard speeches from plain, sluggish, and uncouth men, full of bad English, as delivered; but when printed from the reporter's copy they were wholly different, though in substance the same,—had a face of beauty and learning, and seemed worthy of a practised orator. A few suggestions, and a natural method of stating facts, regardless of the tone of voice, the trembling knees, and the halting phrase, will enable a reporter to write out an excellent speech. Admitting all this to be true, we maintain that there is an amount of talent in the country that will prove sufficient in any emergency that may arise in our political fortunes, foreign or domestic; and especially if men shall be encouraged to effort by the present liberal system of Congressional reporting, and the privilege of publishing speeches superior to those *frightened out* in debate, with entirely new matter, and most elegant finishing, there will be no lack of greatness, *as shown by the record*, to excite the wonder of constituents and succeeding generations.

As printed, all speeches read well, and most of them appear to possess the same order of ability, even when we know the great disparity between their authors in mental and scholastic advantages. The press is the grand fulcrum on which the lever does its work, builds up men and systems, pulls down and alters at pleasure, gives notoriety on small pretence, and keeps the world wide awake. Nowhere, probably, do such enterprises prosper more than at Washington; for nowhere else can be found such accomplished letter-writers, such competition in management, and

such *startling conjectures*. The talent of Congress would be comparatively obscure in public estimation but for the greater talent outside the bar.

The people ought not to complain of any of these seeming abuses, which are the very life of society. Without this reckless, constant vigor of mind and interest in the lobbies of Congress,—often proclaiming truth to the benefit or injury of some person or party,—we should have no richly-flavored political dishes at home, no thunder-claps to purify the atmosphere, no shadows to make the sun more beautiful. Look at the tables we have submitted; call to mind the dead and living who have legislated for us,—equal in the aggregate to the service of one man in Congress for six thousand four hundred and fifty years, at a cost of twenty-five millions of dollars *per diem* and mileage; and then reflect upon the *incidentals* since 1789, the expenditure of labor, the anxious minds, the success and defeat, hopes and disappointments, the wielding of executive patronage, &c. &c. These are all chronicled in newspaper files, from the day the first President communicated with Congress down to the present. We presume that a regular succession of such papers may be found in the Congressional Library, as Mr. JEFFERSON was in the habit of preserving all the gazettes of his day, and they are, no doubt, in his collection attached to the library. It is fair to presume that *Niles's Register*, *The Globe*, *The Union*, *National Intelligencer*, and other papers subsequent to the period of Mr. Jefferson's husbandry, have also been secured to the library for reference. If not all sustained by the patronage, they are at least the *journals*, (or diary,) of the Government, and as such may be consulted as to current transactions.

Judge Berrien had fame enough to satisfy even the proudest ambition. He had been a long time a servant of the people. In all offices, in all trusts, in all emergencies, his fidelity was acknowledged. Besides, he had a reputation beyond the borders of his own country for scholarship, eloquence, and refinement. His classic mind, his perfect urbanity, his elevated nature, embellished with all the graces which constitute the true gentleman, were known in the principal courts of Europe, where his name was familiar in diplomatic circles, although he had never served his country abroad. Age had softly impressed more than threescore and ten upon his temples; and, with fresh complexion, buoyant step, and cheerful spirits, he still bade fair to live many years, to comfort his children and to counsel with his fellow-citizens in seasons of difficulty.

Within the last few years a new political organization had been formed, styled the "American party," whose object was to counteract foreign influence, which was rapidly increasing by immigration from Europe, at the rate, it was alleged, of half a million annually, and that, for the most part, of an ignorant population, including a large number of paupers and criminals cast upon our shores to be fed by charity and to corrupt society by the presence of such a

moral ulcer in the body politic. This was the leading idea around which the party rallied, first as a secret order, and then openly as a party contending for supremacy in public affairs. The issue was met by the Democratic party of Georgia with signal triumph, at the polls, in October, 1855. Pending the canvass, the sentiments of Judge Berrien were given to the public in an Address to the People of Georgia, which, as being the last he ever wrote, is incorporated in this memoir, to be referred to for the constitutional principle discussed and for the lights shed by his powerful mind. It is dated from his summer residence in the mountains of Georgia:—

ROCKINGHAM, 4th September, 1855.

To the People of Georgia.

FELLOW-CITIZENS:—I have received sundry communications from individuals and from committees of citizens, inviting me to attend public assemblies of the people in different parts of the State, for the purpose of discussing the questions which have been and which continue to be agitated during the present canvass,—or, if that could not be done, requesting me to express my opinions on the subjects which excite the popular mind, in a form which might be given to the public. In complying with this alternative request, since the first is impracticable, I hope I shall not be considered presumptuous. While I am desirous of avoiding intrusion, I am unwilling to shrink from the performance of a duty; and, having passed a great portion of my life in the service of this State, I do not feel at liberty to withhold my opinion on any question of public interest concerning which my fellow-citizens may desire the expression of it.

This is my real feeling,—that which induces this address. I do not assume to guide public opinion, but simply to express my own at the call of those who have a right to ask it. Yet, in doing so, I must speak plainly, and must necessarily come in conflict with some of the opposing opinions which have been urged with so much vehemence during the present canvass. If this shall subject me to the vituperation which has been so lavishly indulged, I will rely on the intelligence and honorable feeling of my countrymen to spare me the humiliation of replying to such assaults.

As an appropriate introduction to the remarks which I propose to submit to your consideration, it becomes necessary to advert for a moment to the condition of parties in our State. The ancient issues which divided the Whig and Democratic parties have either ceased to exist or have been for the time laid aside. A party has arisen, which, drawing its support from the ranks of both of its predecessors, presents new and important questions to public consideration. The Whig party, although not dead, as has been vainly supposed, abstains as a party from entering into this contest. As a conservative body, it nevertheless exists, and must continue to do so as long as a genuine spirit of conservatism is cherished by the people of Georgia. From the Union party,—which was the offspring of an occasion,—as well as from the Democratic party, large draughts have been made by this new adventurer in the political field. The majority of the Democratic party, however, remains intact, and is strengthened by some (in point of numbers) inconsiderable accessions from the ranks of its

ancient opponents, and, perhaps, yet more by the fact that the great majority of them have hitherto stood aloof from the contending parties.

The Democratic party, even thus mutilated, advances boldly to the conflict, waging uncompromising hostility against this new aspirant to political power. The present contest is therefore waged between this unbroken remnant of the ancient Democracy, strengthened as I have before intimated, and an association of individuals, or orders, who have assumed to themselves the name of the American party. In the manœuvring preparatory to the actual conflict, the Democratic party, with its usual tact, has secured a position to windward, by which it has the privilege of becoming the assailant, and of selecting its point of attack, while its opponents, organized for the purpose of correcting abuses, have found themselves unexpectedly put on the defensive.

In this state of the controversy, the questions we are to consider relate,—

1. To the object contemplated by the American party.
2. To the means proposed for its accomplishment.

We are first, then, to examine the object of this party,—to ascertain its character, and to determine its tendency to promote or conflict with the public welfare. Its first great object—that which is elemental and primary, and to which all others are considered as auxiliary or anticipated as results, as it is expressed in their own language—is that Americans shall govern America; that is, that the people of the country—those to whom it belongs—shall govern the country. This would seem to be a simple, undeniable, and acceptable proposition, recognised by every civilized community, and maintained even among the tribes of the forest: and so it would be received here and now among us, if it could be viewed simply and on its own merits, apart from those extraneous considerations with which it has been connected and complicated and by which it is influenced. It is inconceivable that any considerable number of American citizens, whether natives or those who have been heretofore naturalized, could be willing to surrender the government of their country to foreigners, and to that description of foreigners who are annually, and in such immense numbers, migrating to our shores. The naked proposition, simply presented at the domestic firesides of our citizens, would hardly find an advocate. But it is not considered simply and on its own merits. The aspirations of individuals and the interests of party combine to forbid it. A great party wielding the power of the Government has attained and maintains its power by the aid of a vote which is substantially foreign, although the voters may have passed through the forms of a hurried naturalization. It is natural that they should be unwilling to concur in any measure which might divest them of this power or have a tendency to diminish their present or prospective means of securing and increasing it. They are therefore, under the promptings of interest, the advocates of the foreigner, zealous to maintain and willing to extend his privilege of participating in the government of the country. And then, again, the aspirants to political eminence—those in search of official position in the State or in the Union, who would win the support of this great party—must worship at the altars which they have consecrated, and be eloquent in the assertion of the rights of the foreigner,—as if he had any rights here until we had conferred them. Call to your recollection the thrilling speeches to which you have listened at the various gatherings which you have attended,—the pious horror which has been expressed at the alleged

violation of liberty of conscience, the touching pictures which have been drawn of our country as the asylum of the oppressed, the bold assertion of the fitness of the foreign immigrant to share your most cherished privileges in the same extent in which you yourselves enjoy them,—and then consider from whom this declamation comes; say if it proceeds from the disinterested advocates of the common interest, or the bold and selfish assertors of their own.

To accomplish the object expressed in their primary, elementary maxim, that *Americans shall govern America*, the American party proposes,—

1. Substantial modifications of the acts regulating naturalization.

Under the existing laws, five years' residence in the country and a compliance with the forms prescribed by them entitle a foreigner to citizenship, and to all the privileges which you enjoy,—with two or three exceptions, to which it is not necessary to refer. The American party desire to enlarge this term,—to provide for a more accurate scrutiny of the claims of persons applying for naturalization, and against the immigration of paupers and felons into the United States.

In my judgment, these measures would be eminently conducive to the public welfare. This is with me no new opinion, and it is not now for the first time expressed. Several years ago the subject engaged the attention of Congress. As Chairman of the Judiciary Committee, I made a report to the Senate, contemplating a full and final report, at the then next session, on the return of certain commissioners, to ascertain the various frauds which were alleged to exist in the grant, and subsequent use, of naturalization-papers. Before that time, changes in the Senate resulted in placing a Democratic Senator at the head of the Committee, and the matter was abandoned.

I do not think it necessary to enter into an elaborate argument to prove that the indiscriminate admission of foreigners after a residence of five years to the privilege of citizenship is an evil. We are making—we have thus far successfully made—an experiment of self-government. Our free institutions, which have hitherto been found efficient for national advancement and for individual security, have been indebted for their support to the loyalty of our people rather than to their own compulsive powers. The founders of the Republic were men qualified for their office,—united in reverence for the laws, in resistance to oppression, in devotion to the principles of civil liberty; and the spirit which animated them was infused into the institutions which they established. It was only *such men* who could have founded *such a government*. *Men animated by a similar spirit can alone preserve it.* Let the abortive attempts in revolutionary France to establish and maintain free institutions attest the truth of this assertion.

Now, I propound this inquiry:—Are the foreigners who are being, and especially at the approach of our election, so rapidly incorporated among us, likely to be animated by this salutary spirit, fitted to be the guardians of our free institutions? I would be very sorry to deny that among these emigrants there are some worthy men, who, when familiarized to our institutions by long residence among us, may become good citizens and capable of participating in our privileges; but no candid man will deny that a large proportion are of a very different character, consisting for the most part of Red Republicans or anarchists, criminals, and paupers,—or will venture, when dismounted from the stump, calmly to assert that five years' residence here will qualify an ignorant foreigner thoroughly to un-

derstand our institutions and loyally to conform to them. Then let it be remembered that each one of these who is admitted to the exercise of the elective franchise without being thus qualified, and who is consequently liable to be led astray by the artifice of the demagogue or coerced by the threatened anathema of his priest, annuls the vote of one citizen,—may, in fact, expunge your vote or mine. Then consider the number and character of the people who are annually cast upon our shores. I do not mean to trouble you with statistics. I dare say the records have been ransacked by opposing candidates for your favor, and that the results are familiar to you. I take from the papers of the day those to which I refer,—incontrovertible statements.

Bear in mind, then, the fact that a foreign immigration, which up to the year 1800 did not exceed five thousand persons, has risen since 1850 to half a million, and which, looking to the state of Europe, will probably in a very short time amount up to a million a year. Now, give a free scope to your benevolent feelings; exercise the most extended charity in estimating the probable number of those who are worthy men, capable by a proper probationary term of being rendered good citizens, and what a fearful residue will remain, what a mass of poisonous ingredients to be infused into the body politic! The census of 1850 shows that the number of foreign paupers and criminals exceeded that of native paupers and criminals, although the *native* population was *seven times greater* than the foreign. What would be your feelings if poverty and crime existed in this proportion and to this extent among yourselves? If the quantum of pauperism and vice which existed among you was the proportion of a population seven times greater in number than your own, what security would you have for your free institutions? what guarantee for your individual rights?

Consider, also, that these emigrants, shunning the South from their unwillingness to compete with slave-labor, and flocking to the North, from their abolition tendencies, in search of kindred spirits, are thus rapidly increasing the majority against you in Congress at every apportionment, and will, unless checked, in no very great length of time place the Constitution and the institutions of the South at the mercy of fanaticism.

And how are these calamities to be averted, if this horde of foreigners rapidly increasing is to be annually added to your society? The plagues of Egypt were mercies,—since they were guided by divine benevolence, and stayed by his omnipotence when the deliverance of his chosen people was effected. But who shall stay this moral pestilence if you are insensible to your danger? If persevered in, in what can it eventuate but in the ruin of the Republic? Can the noble system of government established by our fathers be administered by men like these?

You are told that your number so largely exceeds that of the foreign population that all apprehension of danger is idle. I do not mean to give offence to any man, but to speak in the sincerity of my heart, when I say that such an argument seems to me to estimate very humbly the understandings of those to whom it is addressed. In the open, manly defence of your rights and liberties, of that glorious Constitution bequeathed to you by your fathers, of your homesteads and your households,—in the defence of these against an open and manly assault, you are competent to resist not only the foreigners among us, but a world in arms. God forbid that one American bosom should palpitate with craven fear in view of

such a conflict! But this is not the danger which menaces. Every man unworthy of citizenship, who is admitted to its privileges, is an enemy in your camp,—a moral leper, spreading contagion far and wide. The morals of the community are corrupted, its heart is tainted, by such association: for, however stained with crime, the stamp of citizens makes them politically a part of yourselves. Can you bear the amalgamation?

And why should you bear it? Foreigners aided us in the Revolutionary struggle. Ay, and they have received their rewards. They became incorporated among us, or have voluntarily gone elsewhere in quest of new adventure. But we invited immigration. Ay, at the close of our Revolutionary War, when amid its toils and privations we had achieved our independence, we had a sparse and exhausted population and an extensive and uncultivated domain. We required an increase of population for the purpose of internal improvement and external defence; and, conforming to this policy, our system of naturalization was established. Europe was then calm,—at least free from the menace of intestine commotion. Party spirit among ourselves was comparatively quiescent. We invited foreigners, and we received them. They came to us in small numbers, mingled with our people, and peacefully pursued the avocations of industry. *All this is changed.* We have population sufficiently numerous for every present purpose, and without the aid of immigration we are increasing in number as rapidly as we could desire. Notwithstanding this, there is an annual outpouring upon us of the restless and unquiet spirits of Europe, its paupers and criminals. Not mingling with us as when their numbers were small, they are now sufficiently numerous to herd together, to live apart from us, to constitute distinct foreign societies in the midst of the native population. In the bitterness of our party contests, this foreign vote has been eagerly, and often by unworthy means, sought after and obtained, alternately, by both parties; and, acting as a unit, the boast of Kossuth has been realized: it holds the balance, and may decide our elections.

This is a state of things not to be borne by American freemen. This foreign incursion must be regulated or checked; and the American party has its origin in the conviction of this necessity. The very general existence of this conviction has secured to them a support beyond the limits of their association. I concur with them in the belief that the laws regulating immigration and the naturalization of foreigners ought to be subjected to a thorough and searching revision; that the term of probation should be largely extended; that, to protect us from the intrusion of paupers and criminals, provision ought to be made for the ascertainment, by our consuls abroad, of the character and condition of persons proposing to emigrate to the United States, and that every safeguard which the wisdom of Congress can devise should be thrown around the emendatory statute, to prevent and punish its evasion.

2. As a further means of attaining their object, the individuals composing the American party have bound themselves by mutual pledges, each to the other, to unite their exertions for its accomplishment. I suppose such a pledge, either expressed or implied, is the tie which connects the members of every party. As to their organization, their ritual, their particular modes of proceeding and recognition, and the secrecy which has hitherto been observed in their proceedings, all of which have given occasion for so much eloquent and ingenious declamation and denunciation, I am not required to express an opinion, for these, it is un-

derstood, have been abandoned by their National Council, and all that is now required for admission into their order is the approval of their principles. One of these—that which announces their determination not to vote for or appoint Romanists to office—has been the subject of much reprehension, and has been assailed as a violation of the liberty of conscience which is secured by the Constitution. The provisions of that instrument, which are supposed to be violated, are contained in the concluding clause of the third section of the sixth article, and in the first clause of the first article of the amendments. The first, after providing for administering an oath to different public functionaries, contains the following provision:—

But no religious test shall ever be required as a qualification for any office or public trust under the United States.

The second declares

That Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

By what process of reasoning these provisions of the Constitution can be made to conflict with the right of the citizen to the unlimited exercise of his own free and uncontrolled will in the enjoyment of his elective franchise, I am utterly at a loss to discover; and I have sought it in vain in such arguments of the objectors as I have had an opportunity of perusing. The first clause relates to persons elected to office, and requires that they shall have the oath of office administered to them without being subjected to any religious test. And this is the whole scope and effect of the act. It does not even remotely interfere with the right of an individual to exercise his own judgment in determining whether the religion of the candidate, or the want of it, ought or ought not to influence him in casting his vote for or against him. This seems almost too plain for argument. If a voter believes the religion of a candidate to be unsound or dangerous to an extent which would induce distrust in the ordinary transactions of life, it is not only his right but his duty to withhold his confidence and his vote. No provision of the Constitution forbids it, and duty to the country requires it. It would be wrong in the Government to make this test, because it is an exercise of discretion which the people have not intrusted to them, but have reserved to themselves. Thus, that which would be wrong in the Government is the right and duty of the citizen. How far this may apply to Romanists is a matter for the exercise of individual judgment, and for that alone. I would not feel that native American Romanists, trained in the principles of civil liberty, of reverence to the Constitution and laws, and devoted to the Union, would come within its scope. For the rest, to show that the view of the American party is sustained by a man of large intelligence and of undoubted piety, I subjoin the letter of Mr. Wesley,—remarking only that the attempt to restrict his opinions to the particular state of affairs existing at the time when his letter was written is simply futile, since it is perfectly obvious that they are of enduring applicability,—at least until Romanists shall abandon those precepts of their religion to which Mr. Wesley refers:—

LETTER OF JOHN WESLEY.

Sir:—Some time ago a pamphlet was sent me, entitled “An Appeal from the Protestant Association to the People of Great Britain.” A day or two since, a kind of answer to this was put into my hand, which pronounces its style contemptible,

its reasoning futile, and its object malicious. On the contrary, I think the style of it is clear, easy, and natural; the reasoning, in general, strong and conclusive: the object or design kind and benevolent. And, in pursuance of the same kind and benevolent design,—namely, to preserve our happy Constitution,—I shall endeavor to confirm the substance of that tract by a few plain arguments.

With persecution I have nothing to do: I persecute no man for his religious principles. Let there be as boundless freedom in religion as any man can conceive. But this does not touch the point. I will set religion, true or false, utterly out of the question. Suppose the Bible, if you please, to be a fable, and the Koran to be the word of God. I consider not whether the Romish religion is true or false,—build nothing on the one or the other supposition. Therefore away with all your commonplace declamation about intolerance and persecution for religion! Suppose every word of Pope Pius's creed to be true: suppose the Council of Trent to have been infallible: yet I insist upon it that no Government not Roman Catholic ought to tolerate men of the Roman Catholic persuasion.

I prove this by a plain argument, (let him answer it that can:) that no Roman Catholic does or can give security for his allegiance or peaceable behavior. I prove it thus:—It is a Roman Catholic maxim, established not by private men, but by public council, that “no faith is to be kept with heretics.” That has been openly avowed by the Council of Constance, but it has never been openly disclaimed. Whether private persons avow or disavow it, it is a fixed maxim of the Church of Rome. But, as long as it is so, nothing can be more plain than that the members of that Church can give no reasonable security to any Government for their allegiance and peaceable behavior. Therefore they ought not to be tolerated by any Government, Protestant, Mohammedan, or Pagan. You say, “Nay, but they take the oath of allegiance.” True,—five hundred oaths: but the maxim “no faith is to be kept with heretics” sweeps them all away as a spider's web. So that still no Governments that are not Roman Catholic can have any security of their allegiance.

Again: those who acknowledge the spiritual power of the Pope can give no security of their allegiance to any Government: but all Roman Catholics acknowledge this; therefore they can give no security for their allegiance. The power of granting pardons for all sins past, present, and to come, is and has been for many centuries one branch of his spiritual power. But those who acknowledge him to have their spiritual power can give no security for their allegiance, since they believe the Pope can pardon rebellion, high-treason, and all other sins whatsoever. The power of dispensing with any promise, oath, or vow, is another branch of the spiritual power of the Pope: all who acknowledge his spiritual power must acknowledge this. But whoever acknowledges the dispensing power of the Pope can give no security for his allegiance to any Government. Oaths and promises are none; they are as light as air: a dispensation makes them null and void. Nay, not only the Pope, but even a priest, has power to pardon sins! This is an essential doctrine of the Church of Rome. But they that acknowledge this cannot possibly give any security for their allegiance to any Government. Oaths are no security at all, for the priest can pardon both perjury and high-treason. Setting their religion aside, it is plain that upon principles of reason no Government ought to tolerate men who cannot give any security to that Government for their allegiance and peaceable behavior. But this no Romanist can do, not only while he holds that “no faith is to be kept with heretics,” but so long as he acknowledges either priestly absolution or the spiritual power of the Pope.

If any one pleases to answer this, and set his name, I shall probably reply. But the productions of anonymous writers I do not promise to take any notice of.

I am, sir, your humble servant,

JOHN WESLEY.

CITY ROAD, January 12, 1780.

The whole force of the second provision is spent in the *prohibition to Congress*. It forbids Congress to “make any law respecting an establishment of religion, or prohibiting the free exercise thereof.” It does not forbid individuals to make such establishments. On the contrary, we have many of them. It relates to the *legislation of Congress*, not to the *vote of the citizen*; and the foreign zeal which would distort these provisions of the Constitution so as to divest the citizen of the uncontrolled

exercise of his elective franchise is, as it seems to me, alike alien from the Constitution and the plainest dictates of reason.

The twelfth article of the Philadelphia Platform has been the subject of much commentary. I state, without discussing them, my own opinions on the subject of which it treats.

I recognise the impracticability, from whatever cause, of reconciling the conflicting opinions which exist on the subject of slavery, and the danger of agitating that question in the National Legislature. I am content that the American party shall in good faith hold themselves bound to abide by and maintain the existing laws on the subject, and with their declaration that Congress has no power to interfere with slavery in the States where it exists, or to refuse the admission of any State because its Constitution does or does not recognise slavery as a part of its social system. I hold that the Territories of the United States are the property, not of Congress, but of the whole people of the United States, until such Territories become States. I do not believe that Congress has the power to abolish slavery in the District of Columbia, apart from the contract with Maryland, or considerations of public faith; but, as Congress has no Constitutional power to violate a solemn contract or to commit a breach of national faith, I think they are equally precluded by these considerations.

These are my opinions on the questions presented to me. I desire to add a brief remark on another subject.

The several parties in this State have all planted themselves on the fourth resolution of the Georgia Convention of 1850, and the interpretation given to it by some persons is that, upon the happening of either of the contingencies specified in it, Georgia is to prepare for an *immediate* "disruption of the Union." I do not so understand it. I think it could not have been so understood by its framers. I am sure that this is not the fair import of its terms, and still more confident that such is not the feeling of the people of Georgia.

In the specified contingencies, Georgia pledges herself to resist, "even, as a last resort," to the disruption of the Union. The term *last* is a *relative* term. It necessarily implies some preceding action,—some honest, well-meant patriotic efforts to secure your rights, without the necessity of having recourse to this last fearful resort, the disruption of the Union. I implore my countrymen to give to this subject their earnest, anxious consideration,—not to be diverted from it by the declamation of political aspirants, the agitations of the canvass, or the excitement of the hustings, but calmly, quietly, in the retirement of their own homes, to consider what it is to which this controversy is tending, and, humbly supplicating that Almighty Being, under whose protecting providence our fathers laid the foundation of this great Republic, to imbue us with the same conciliatory spirit by which they were animated, to seek under his beneficent guidance the solution of the problem which shall reconcile Southern rights with the perpetuity of the Union.

Respectfully, your fellow-citizen,

JNO. MACPHERSON BERRIEN.

In December, 1855, the American party held a Convention at Milledgeville, of which Judge BERRIEN was unanimously chosen President. His remarks on taking the chair were brief, admitting that a sense of duty and a desire to aid in the good work for which

the Convention had assembled alone induced him, in infirm health, to take part in its deliberations, or to accept the chair which had been so kindly tendered him. This was his last public appearance. On his return to Savannah his illness continued to increase, to the great alarm of his family. The best medical skill which the city afforded (equal to any in the South) was invoked to relieve the sufferer. His disease (inflammation of the kidneys) yielded to no treatment; and, on the morning of January 1, 1856, Judge Berrien breathed his last, at the age of seventy-five years. His dying hours were those of peace with God and with all mankind.

The intelligence of the death of Judge BERRIEN spread gloom in every quarter. The citizens of Savannah mourned as if each had lost a friend. Testimonials of respect were adopted by the City Councils, the City Bar, the Bar of the Supreme Court, and by the Georgia Historical Society,—of which he was President. The press, also, without regard to party distinctions, did justice to his exalted character and faithful public services.

The domestic relations of Judge Berrien have not been hitherto mentioned in this memoir. On the 1st of December, 1803, he intermarried with Miss Eliza Anciaux, daughter of Major Nicholas Anciaux, an officer in the American army of the Revolution, who after the termination of the war had settled in Georgia. Nine children were the fruit of this marriage, of whom five survived him. In 1828, Mrs. Berrien died. He lived a widower five years, until July, 1833, when he married Miss Eliza C. Hunter, daughter of Col. James Hunter, of Savannah. Six children were the issue of this second marriage, all of whom lived to mourn the loss of the best of fathers. The second Mrs. Berrien died in February, 1852.

The fame of Judge Berrien has been handsomely acknowledged by the Legislature,—a majority of whose members in each branch was opposed to him politically. The fact is no less honorable to the living than it is to the memory of the dead.

In the Fortieth Annual Report of the American Bible Society, in the city of New York, presented May 8, 1856, the following reference is made to Judge Berrien:—

Hon. John Macpherson Berrien was elected a Vice-President of this Society in 1844, and always manifested strong attachment to the Bible and great interest in its circulation. At different times, and while occupying very high posts in the government of his country, he was often heard eloquently advocating the claims of the Bible, in behalf of which he was ever ready to raise his voice. By the death of Judge Berrien

the Society has been deprived of the services and support of a warm and devoted friend.

It only remains to notice the personal qualities of the departed statesman as they appeared in his character. To what has already been said of him as a jurist profound in constitutional lore may be added that, in 1826, he opposed the recommendation of President Adams to send a minister to the Congress of Nations at Panama,—Mr. Berrien contending that the power to appoint judges, ambassadors, &c. did not give the President power to *create* the office, as would be the case in the proposed mission. Such was the various knowledge he brought to bear on the subject from the law of nations and from the peculiar structure of our government, that his argument has been incorporated in a work* intended to expound the Federal Constitution. While referring to the greatest men in the Senate of the United States, whose opinions had most weight, the author was, several years ago, informed by a very gifted ex-Senator† from Alabama that, on questions involving constitutional principles, Judge Berrien was decidedly the ablest debater in the Senate.

One incident in the life of Judge Berrien deserves observation, though it pertained neither to law nor politics. In October, 1844, a Convention of the Protestant Episcopal Church of the United States was held at Philadelphia, to which the Rev. FRANCIS L. HAWKS had been returned for consecration as Bishop-elect of the diocese of Mississippi. He had formerly been rector of St. Thomas's Church, Broadway, New York, and, in building up a large female seminary at Flushing, under the auspices of the Church, had entered into contracts which left him largely in arrear,—the school not succeeding to his calculations. The master-builder to whom he was indebted preferred charges against him before the Convention, alleging bad faith, &c. Dr. Hawks gave a plain history of the case, and threw himself upon the judgment of the Convention. Mr. Berrien was a lay delegate to that body from the Church in Georgia, and took up the charges, article by article, and showed that nothing had been done by the bishop-elect that could impeach his integrity in a court of law, and that in the forum of conscience there was no stain of fraud or unfairness resting upon him. It was truly a scene which admitted pathos in the orator. The bishops, the clergy, the lay members, and the

* See Elliott's Debates, vol. iv. p. 501.

† Hon. A. P. Bagby, U.S. Minister to Russia under the administration of President Polk.

throng of spectators who listened to the soul-touching eloquence of the Georgia delegate, were dissolved in tears. He had a fit audience to respond to his noble impulses and Christian appeals. The gentleman whose conduct he was vindicating had been a distinguished member* of the North Carolina bar, and a pupil of the great Judge Gaston. He was a man of extraordinary abilities, eloquence, and learning, which were as manifest in the pulpit for the good of souls as they had been in the temporal courts for the interest of his clients. Under the circumstances, however, the Convention postponed his consecration as bishop, and referred the matter back to the diocese of Mississippi. Dr. Hawks soon afterward received a very advantageous offer in New Orleans, which he accepted, officiating for several years as rector of St. Paul's Church, Canal Street, and as President of the University of Louisiana. He has since returned to the city of New York, with a *prestige* which cannot be shaken, and is now at the head of the American clergy for sustained eloquence and accurate learning. Such is the character of the divine to whose support Mr. Berrien came at a period of sorest trial. Dr. Hawks has had the degree of Doctor of Laws conferred upon him, and Mr. Berrien was also honored with the same degree at Princeton, in 1830.

As an act of justice to Dr. Hawks, as well as to the author himself, it is deemed proper to quote from the *Monitor* of October 30, 1844, (a paper then edited by the author,) so much of an article as refers to Dr. Hawks and the action of the Convention on the charges against him:—

Oct. 14. *Resolved*, That, in the opinion of this House, the integrity of the Rev. Dr. Hawks has been sufficiently proved by his reply to the charges brought against him in the memorials presented to this House.

The first [above] resolution acquits the Rev. Francis L. Hawks, D.D., Bishop-elect of Mississippi, of the charge preferred against him by some creditor in New York, of a want of good faith in his pecuniary transactions in building expensive edifices at Flushing for a high seminary of learning. Dr. Hawks became involved in hopeless bankruptcy through his exertions to establish the school, which proved a failure. It is said that never since the days of Sheridan was such an overwhelming effect produced on an audience as that of Dr. Hawks's speech before the Convention. His vindication was touching and triumphant. We rejoice at it. He is a native of Newbern, North Carolina.

Of the religious character of Judge Berrien nothing more need be said than that he was for many years, and at the time of his death, a communicant of the Protestant Episcopal Church, and

* Author of Hawks's Reports.

was the intimate friend of the Rt. Rev. Bishop Elliott, who was his spiritual adviser whenever pastoral functions were necessary in Savannah. His faith was calm, but fixed: there was nothing spasmodic in his religious enjoyments, nor did he ever fail to manifest by his example his reverence for the sanctuary. He trained up his children piously, and instructed them in the rudiments of the service, its forms and principles, as taught by the Church. When death approached, he met the summons like a philosopher and a Christian, full of courage and hope, leaning on the merits of that gracious Redeemer whose mission to earth and atonement for sin he had long testified before men.

There is one view remaining, and candor must prevail over partiality. As to the social habits, the exterior of kindness, and the uniform decorum of his life, no objection can be alleged. These were such as a gentleman of his sensibility and pride of character would never cease to cultivate. To this extent, Judge Berrien was faultless. But in the field of ambition, where preferment was to be won, he demanded the service of his friends, and would admit no competition from that quarter. He was frank, even peremptory, in the assertion of his claims, and the least faltering was succeeded by coldness. From the time he first obtained office as Solicitor-General, in 1809, to his acceptance of the Attorney-Generalship of the United States, twenty years afterward, his career had been one of triumph. Judge of the Superior Courts for a number of terms, State Senator, then Senator of the United States, and then a member of the Cabinet,—in all of which places he sustained himself with éclat,—he was fully persuaded of his influence, and of the overshadowing foundation on which it rested,—his own merits. Yet he was not vain in the usual sense of the term. There was nothing in his manner that refused recognition to an equal. A rigid use of his opportunities for advancement was rarely omitted, and never, perhaps, on a single occasion, were they relaxed in behalf of a friend. There is sometimes a generous sympathy for his fellow which draws a man back, that another may go forward on his own worth to the post of honor. Such a principle, however, is too abstract to be introduced among the verities of life, and no one ought to be bound by it. Whoever adheres to such a *fallacy* will seldom figure in public employments. The moral to be conveyed by this allusion may be entangled hereabout,—hard to find; but the author is unable to assist the reader in the search. It is in substance that Judge Berrien insisted upon

his rights when he might have acted otherwise. This is the most that can be said against him.

In his deportment generally he was affable, yet somewhat reserved. He seems to have moulded his address after the Chesterfield model,—elegant at all times, and never descending to a free and careless mood,—at least in mixed society, in which, only, it was the privilege of the author to see him.

Judge Berrien was not a man of the people. He had none of the heartiness of Mr. Clay. He was too highly refined by his studies, and by the discipline of his genius to the ideal of perfection,—as men ought to be, not as they are,—to feel a very earnest concern in the rough-and-tumble relations and contests of men, from which he stood as much aloof as possible, to seek happiness in a purer region,—his own thoughts. Not that he was destitute of sympathy or benevolence: his whole life negatived such an idea. But it was only when distress was made dramatic by intensity, or by the train of sufferings associated with it,—loss of reputation, the griefs of old age, the tears of childhood, the agony of bereavement, or the perils of life,—that the fountains of his heart became unsealed, and the sacred tide rushed in subduing torrents, giving to his voice on such occasions more than human potency in the court-room, or in whatever forum he appeared. Judge Berrien was the most finished orator of his day, so far as the rules of art contributed to form an orator. His organs of speech were perfect. Every word and every syllable had its proper stress and intonation. There was no slurring or haste in his delivery. Smooth, grave, and musical, his voice satisfied the ear. Occasionally, it was like the church-organ in the depth and richness of its tones; then, with softest beauty, it would glide into the soul and take captive its emotions. Yet in all this opulence of effect there was evidently a preparation of the severest kind. It is said that the great tragedian Cooper gave lessons to Mr. Berrien in early life. If so, there was no impropriety. The orators of Great Britain in the days of Garrick and Kemble were glad to have private interviews with these autocrats of the stage for improvement in elocution. And Napoleon the Great was instructed by Talma, the French tragedian, in the graces of attitude becoming the imperial dignity.

But the task is done,—however imperfectly: this memoir must be closed. Georgia has furnished many distinguished sons, who have a proud national fame; but in letters, in eloquence, in statesmanship, in the high perfections of individual life, the name of

Berrien will ever shine among the brightest on her escutcheon. He was, indeed, a man whose equal, in many respects, the world has not produced since the days of Cicero. America has had her HENRY, one of nature's thunderbolts, her CLAY, of grand and surpassing gifts, to electrify the public by their soul-stirring eloquence; but neither of them had the polish of the Roman school, with its rich stores of learning and classic beauties gathered from every epoch and every clime. It was reserved for JOHN MACPHERSON BERRIEN to stand alone as an example in the nineteenth century.

SUPREME COURT OF GEORGIA, SAVANNAH,
January 14, 1856.

At the opening of the court, Hon. WILLIAM LAW addressed the court as follows:—

May it please your Honors:—

The melancholy duty has been assigned to me by my brethren of the bar of announcing to this court the death of the Hon. John Macpherson Berrien, late the most distinguished member of that bar and its brightest ornament, and of presenting to the court the proceedings and resolutions of the bar of this city upon the occurrence of that lamented event, expressive of their appreciation of the character and high respect for the memory of their departed friend and brother, and also their sense of the great loss the profession has sustained by his death.

Honored for more than forty years with the friendship of the deceased, commencing with my call to the bar over which he then presided with an honor to himself so distinguished and a benefit to the public so universally acknowledged, that even at that early period of his life he commanded, as a judge, the fulness of public confidence, and laid the foundation of that enviable fame which survives his descent to the grave.

A friendship, sirs, thus early commenced, ripened into intimacy in the progress of life, was in no way and at no time more sensibly felt or gratefully appreciated than in the uniform and almost paternal kindness which he extended to my early professional efforts and struggles. Few knew him better than I did; none honored and esteemed him more. I cannot refrain on this occasion from an expression of my sincere gratification at the testimonial furnished by my brethren of the bar of their admiration for the character and distinguished merits of the deceased and of the high respect they entertain for his memory, nor from saying how much I appreciate their kindness in making me the honored instrument of bringing their proceedings to the notice of this court.

But it is not limited to private friendship to sympathize with these proceedings. The death of such a man is a public calamity. His talents and usefulness had not been confined to his own State. The fame of his wisdom and rare eloquence, issuing from the Senatorial hall of the nation, had spread over the country, and placed him, in the estimation of his countrymen, among the great statesmen and legislators of the age. His death adds another name to that melancholy list of gigantic intellects and devoted patriots upon whom the icy hand of death has been laid in the past few years, and calls afresh for the homage of a nation's respect and sorrow.

It is true that Judge Berrien was spared by a beneficent Providence to an advanced period of life far beyond that allotted to most men; but he still retained, in a remarkable degree, the energy of physical strength and the vigor of undiminished intellect, combined with a spirited enjoyment of social intercourse. Nor yet had the fervor of his patriotism abated; for he still felt a lively interest in his country's welfare upon all important political questions, and was to the last ready to lend the counsel of his experienced wisdom to what he conceived to be his country's good. Full of the learning of the law, he was still the eloquent advocate and the profound lawyer, and both the bench and the bar listened with pleasure and advantage to his instructive argument.

But your Honors, who have so often heard him, and who knew him so well, I am sure, will appreciate the testimonials of his exalted worth and distinguished character furnished by the proceedings of the bar, which I have the honor now to present:—

At a meeting of the bar, in the court-room in the city of Savannah, on the 2d day of January inst., the Hon. William B. Fleming was appointed chairman, and Julian Hartridge, Esq., Solicitor-General of the Eastern Circuit, secretary.

The Hon. William Law, the Hon. Charles S. Henry, the Hon. Edward J. Harden, the Hon. John E. Ward, and E. H. Bacon, Esq., were appointed a committee to prepare resolutions expressive of the feelings of the meeting on the melancholy occasion of the recent death of the Hon. John Macpherson Berrien, a member of the bar.

Whereupon William Law, in behalf of the committee, presented the following preamble and resolutions, which were unanimously adopted by the meeting:—

The members of the bar, desirous of giving public expression to their feelings and of the sense they entertain of the loss which the bar has sustained by the death of its oldest and most distinguished member, who for more than half a century has illustrated the virtues of the profession, adorned it by the exhibition of rare and eminent talents, and left an example of spotless purity and integrity of life, and also to manifest the affectionate esteem in which they hold the memory of their venerated departed brother, as a citizen eminent for his patriotism and public services, as a statesman distinguished for talents and integrity, and as a man endeared to their affections as well by his private as public virtues, by the social qualities of the heart as well as by the vigor of his intellect, do adopt the following resolutions:—

1. *Resolved*, That the members of the bar here assembled have heard with deep regret of the death of the Hon. John M. Berrien, and that we sincerely condole with the members of his family on the occasion of the loss which they, in common with the community, have sustained.
2. *Resolved*, As a testimony of respect for the memory of the deceased, the bar will, in a body, attend his funeral.
3. *Resolved*, As a further testimony of such respect, that his Honor, the Judge of the Superior Court of this county, be requested to have the staves of the court draped in mourning, and that the bar wear the usual badge of mourning for thirty days.
4. *Resolved*, That the proceedings of this meeting be laid before the Supreme Court of Georgia at its next meeting in this place, with a request that that body enter these proceedings on their minutes and adjourn for one day, as a token of respect for the memory of the deceased, and that the same proceedings be laid before the Superior Court of this county at its next session, with a similar request of entry on its minutes and of adjournment for one week.
5. *Resolved*, That a committee of five be appointed by the chairman of the meeting to carry the foregoing resolutions into effect, and also to select some suitable person to pronounce, at some proper time and place, a eulogy on the life and character of the deceased before the bar of Georgia.
6. *Resolved*, That these proceedings be published in the several papers of this city, and that a copy of the same be furnished by the secretary to the family of the deceased.

The chair appointed as a committee, under the fifth resolution, Hon. William Law,

Hon. C. S. Henry, Hon. John E. Ward, Hon. Edward J. Harden, and E. H. Bacon, Esq

In accordance with these resolutions, I now move your Honors that this court adjourn for one day.

Judge LUMPKIN, in behalf of the court, responded as follows:—

This court receives the proceedings of the bar in regard to the late Hon. John Macpherson Berrien with profound emotion. We cordially unite with the bar and the people of the whole State in the expression of deep regret for his death, in admiration of his talents, his patriotism and private virtues.

This is not the occasion, nor is it fit for me, to consider and discuss at length the character and merits of the deceased. The performance of that duty, with which the bar of this place has appropriately charged itself, must be deferred to another opportunity, and has been or will be committed to abler hands. And this is right. This community, who knew his manner of life from his youth up, saw him face to face for fifty years and more in the able and faithful performance of his various duties; and it is for them to appreciate fully all his worth, and to dwell with melancholy affection upon his transcendent excellencies.

But the whole State has sustained an irreparable loss. Who in Georgia had attained to his full stature? As a lawyer and a citizen, who will dispute with him the premiership? What completeness and harmony of organization of the mental, moral, and physical nature! He aimed at noble ends, and pursued them by none other than honorable means. Whatever he attempted he did well. Nothing half done ever came from his hands; for, uncommon as were his great abilities, his industry was still more extraordinary.

Who can estimate the impulse and advance which he gave to the cause of legal learning in this city and circuit and throughout the land? Reference has been made to his service in the Councils of the nation. Permit me to say, upon competent authority, that his Constitutional arguments in the Senate of the United States were exhaustive of the subjects which he discussed, and that, on such occasions, no member was deferred to more in that body. His logic was the clearness of the perfect day, approaching the certainty of mathematical demonstration.

Judge Berrien was a striking example of the love of the law,—supposed by many not to be altogether lovely; and his attachment, instead of waning, seemed to wax warmer and warmer under the pressure of super-added years. Hence his brilliant and triumphant success. He had many cotemporaries at the Supreme Court bar of the Union,—Johnson, of Maryland, Badger, of North Carolina, Crittenden, of Kentucky, and such like; but yet we may say that, while thinking of these gifted men, we feel new and increased pride in the consummate lawyer whom we have lost. Had he been placed on the bench of that court, for the headship of which he was so pre-eminently qualified, his judicial fame would have been measured by that of Mansfield, and Eldon, and Stowell, of England, and Marshall, and Kent, and Story, in this country.

But our father and friend has gone. He has taken his place higher in the same firmament whence beam the milder glories of the beloved and lamented Charlton. His race is run. His course is finished. For him earth has no longer any future. He is beyond change,—beyond chance. His home is heaven.

Is it not well with him? He died happy, in the bosom of his family,

full of years and full of honors. His bright sun has set. Far above us he dwells, in a world where there is no night!

The last time I saw Judge Berrien was under my own roof,—the sunshine of the festive circle, and seeming “to breathe a second spring.” But we shall see him no more in the flesh. How difficult to realize this sad truth! Seek him at the domestic hearth, the office, the court-room, the Cabinet-council, the Senate-Chamber, the sanctuary, and the solemn response from each is, “He is not here: he is risen.”

We shall never again witness the illumination of that countenance, which, when lighted in the glow of his mind, was almost supernatural. We shall no more listen to the silvery eloquence of those lips, “upon which the bees of Hybla might have rested.”

But we forbear. The theme is exhaustless. That a deep feeling of sorrow should be entertained, when one thus virtuous and accomplished is stricken down by death, is natural; and that an expression of these feelings and a just tribute of regard for the deceased should be preserved on the records of this court, of which he was so distinguished an ornament, is most meet and proper. We therefore order the resolutions to be entered of record, and that the court do adjourn for the day.

Resolutions of the Georgia Legislature concerning the death of the Hon. John Macpherson Berrien.

Whereas, In the death of the Hon. John Macpherson Berrien, Georgia has sustained a loss of no ordinary magnitude,—the loss of one of her most gifted sons,—one eminent alike for all the graces that adorn private worth and the excellencies that exalt public station, and of whose distinguished services during half a century every Georgian may justly feel proud,—it is meet that we should make some record of the deep sense we entertain of this touching bereavement: Be it therefore

Resolved, That we have heard with the deepest regret of the death of the Hon. John Macpherson Berrien, whose talents while living reflected honor on his State and country, and the memory of whose services, now dead, will be traced in one of the brightest pages of their history.

Resolved, That while the pre-eminent public services of the deceased—his career at the bar, on the bench, in the Cabinet and the Senate—have given a lustre to his name too well earned and wide-spread to be confined within the limits of this State, Georgia mourns the loss of her illustrious son with a sadness which is peculiarly her own.

Resolved, That his Excellency the Governor be requested to forward a copy of these proceedings to the family of the deceased.

WILLIAM H. STILES,

Speaker of the House of Representatives.

DAVID J. BAILEY,

President of the Senate.

Approved Feb. 18, 1856.

HERSCHEL V. JOHNSON,

Governor.

As an enduring memorial,—one that will exist while Georgia retains her organization as a sovereign State,—the Legislature, by Act of February 25, 1856, created a new county from portions of Lowndes, Irwin, and Coffee, and gave it the name of “BERRIEN,”

in honor of the great man to whose memory the poor contribution in this volume has been made by the author, with profound respect.

NOTE TO THE MEMOIR OF JUDGE BERRIEN.

Not only the citizens of Savannah, but the public at large, no doubt, feel an interest in the matter touched upon by the *Savannah Journal*, as follows:—

WHO SUNK THE WRECKS IN SAVANNAH RIVER?

In the course of the debate in the Senate on the 13th February, 1856, a warm discussion arose touching the historical truth of the fact recited in the original Appropriation Bill for Savannah River, members of the Finance Committee contending that the wrecks were placed in the river, not by the American forces for the "common defence," but by the British to prevent the French from coming up the river,—a point upon which Senator Butler, of South Carolina, spoke as follows:—

MR. PRESIDENT:—I have had my attention drawn to this subject more than once. I recollect that on one occasion Mr. Berrien, of Georgia, on this floor certainly gave me to understand, and I think gave the Senate to understand, a very different statement of things from that which has been to-day presented to the Senate. He stated what I always understood to be the historical fact in relation to the obstructions in the Savannah River. My State, I confess, is deeply interested in their removal; but that fact would not change my opinion with regard to the Constitutional power of Congress to appropriate money to clean out rivers.

I recollect distinctly the ground on which this appropriation has been heretofore placed, or at least the ground on which I was reconciled perhaps to make some appropriation. In 1778, Robert Howe, the American general, a North Carolinian or a Virginian, was in possession of Savannah. Campbell was the commander of the British forces who attacked Howe and drove him from Savannah, under a capitulation, I think, on Christmas day in 1778. I have always understood that the British garrison kept possession of Savannah from that period until the time when it was threatened by D'Estaing, and then ships were sunk at the mouth of the Savannah River by the British garrison, to prevent the French fleet from coming up. It was a war-measure adopted by the British and American Governments when they were alternately in possession of Savannah; and I think, when the true facts are ascertained, it will be found that both the officer representing the American Government and the officer representing the British Government sunk ships at the mouth of that river for the same purpose,—to protect the city of Savannah.

However that point may be, I can see a great difference between an appropriation for removing these hulks and the incidental obstructions occasioned by them, and one for regulating commerce by cutting ditches and canals or opening rivers. I recollect that on former occasions the bill making appropriations to remove these hulks underwent discussion, and the ground was distinctly taken that when the Government of the United States used the property of a State or individual for general purposes, for the common defence, it was bound, under the obligations of honor and good faith, to make compensation for the use of the property. At the period of the Revolution the Savannah River was, as it is now, a great highway of commerce. If our own Government, as one of the means of defending the city of Savannah, sunk ships there, and thus appropriated that highway for its own purposes, as one of the means of carrying on war with Great Britain, I could vote for appropriations to remove them, on the ground that when property has been taken for the public use we have made appropriations for it. When, as in the Revolution, private property was used for public purposes,—as the occupation of a house as a place of defence,—compensation has been allowed. The principle has been recognised in a general act; and so, also, when American property was destroyed or injured while in the occupation of the enemy, and destroyed by Wash-

ington's cannon, as in the same case in Germantown, compensation had been made on the broad ground that, when *flagrante bello* during a state of actual war, property had been used for public purposes, and was destroyed in consequence of such use, the Government was bound to allow compensation. In regard to the ships sunk in the Savannah River, I have always understood that they were placed there both by the British and American Governments, as a means of defending Savannah when they were alternately in possession of that city.

REPORT OF THE SECRETARY OF WAR.

Our thanks are due the Hon. Alfred Iverson for the Report of the Secretary of War, 1855-56, with accompanying documents. The following extracts will prove interesting to our readers:—

REMOVING OBSTRUCTIONS IN THE SAVANNAH RIVER, AT A PLACE CALLED THE WRECKS.—Since September 30, 1844, the pile-work closing the upper end of Fig Island channel has been completed, and an embankment of moderate extent placed along the foot of the piles as a protection against the washing of a rapid ebb-current. This work now serves to turn the volume of water which formerly passed through the Fig Island channel to the Front River. The increased volume and velocity thus given to the water flowing down the latter channel tends to give permanence to the greater depth which has been obtained by dredging over the Wreck bank and along the southern edges of Garden bank. The greater part of the funds expended in the prosecution of this work of improvement, during the past year, has been supplied by the city of Savannah, as the appropriation of \$40,000, approved August 30, 1852, had been previously expended, with the exception of a small balance, in working the dredging-machines. The total number of cubic yards dredged from the shoals in the channel of Front River, since the commencement of this work of improvement, is 102,500 cubic yards, giving a channel full ten feet deep at mean low-water, or sixteen and a half feet at mean high-water. To make this channel permanent, however, it is essential that the deflecting works proposed by the commission at the upper end of Hutchinson's Island, and at the lower end of Fig Island, should be constructed at an early day. But as the appropriation of \$161,000 for the Savannah River, approved March 3, 1854, is specific, it can, in its present form, be applied only to the removal of the obstructions placed in the river during the Revolutionary War for the common defence, and the accumulations of sand and mud immediately over and around these obstructions or wrecks. In order that these flats and shoals, which have been caused by these sunken wrecks at other points of the Front River, may be removed, and in a permanent manner, I would most earnestly advise the Department to urge upon Congress such a modification of the phraseology of the act of 3d of March last as will make the amount applicable to the completion of the plan reported by the Commissioners and approved by the War Department in 1853.

The 6th of August last, the work of dredging was resumed on the Wreck bank, and has been prosecuted with as much regularity since as the weather would permit. The dredge-boat, tug-boat, and scows employed at this work were chartered from the former contractor to execute work by the cubic yard for the period of six months; but experience has now demonstrated that the chartered machinery is too weak to dredge on the wrecks to the same advantage as a machine of greater power. It is therefore advised that steps be taken to procure a dredge or elevating-machine of greater power, to be employed on the wrecks after the expiration of the charter now existing, provided the restrictive character of the act of appropriation be removed by further legislative action.

SURVEY OF THE RIVER OCKMULGEE, GA.—The survey is completed. The map is finished, but is still in the hands of the draughtsman, whose work has been much hindered by sickness. As soon as the map is received the report will be prepared and forwarded.

IV.

EDWARD J. BLACK.

THIS gentleman is entitled to a high place in public estimation, as his brief history will prove. He had qualities which made him felt and appreciated wherever he was known. His record is without blemish, and may be summed up on good authority.

In reply to a letter from the author, a gentleman* of Augusta courteously furnished some interesting passages:—

Mr. Black was a schoolmate of mine, and received almost his entire education at the Richmond Academy in this place. He never was much of a student; but his ambition, which was great, would doubtless have led him to steady application had it not been for his frail health. When about twenty-one years of age, he was attacked with hemorrhage of the lungs, to which he was ever after occasionally subject. As his mother had died of consumption, he expected the same fate as the issue of his disease; and this tended much to weaken his energy and cast a gloom over his future prospects.

The principal lawyers in the circuit where Mr. Black practised were Messrs. Flournoy, Reid, (his uncle,) Crawford, Jenkins, Cummings, William and John Schley.

His taste was for letters rather than science. From his want of regular study, he was not profound, but on occasions was very brilliant. He was fond of poetry, and wrote verses of very decided poetic merit. He excelled in the humorous; and some of his early effusions, published in the *Constitutionalist* over the signature of "Quip, Crank & Co.," are quite creditable productions, and were well received here. In his speeches he often indulged in witty sarcasm, and was quite a formidable antagonist. If his opponent gave any opening for ridicule, he generally seized upon it and showed him up without much mercy.

The same gentleman procured from a sister of Mr. Black a statement which answers the questions propounded by the author. It is here given without abridgment, though perhaps it was intended rather as suggestive than otherwise:—

1. EDWARD J. BLACK was born in Beaufort district, South Carolina, in the year 1806. His father's name was William Black, a native also of the same district, and a gentleman of fortune, but lost a portion of it by an unfortunate security-debt, and in consequence, for economy's sake, moved his family and planting-interest to Barnwell district, where Edward J. Black remained until about eight years old. Being a boy of

* Dr. Ignatius P. Garvin.

unusual talents, the late Gov. Reid, his mother's brother, took him home with him to Augusta, placed him at the Rev. Mr. Brantley's school, directed his studies, and, no doubt, daily strengthened his natural taste for literature. He never went to college, and laughed at the idea of a *nominal college education*, but read and searched out every thing for himself, feeling that more depended on his own research than the august reputation of college professors. It may be said he was educated in Augusta; for, though not a very strict attendant at *school*, it was *there* his apprehension of letters, *men* and *measures*, strong intellect, great power of thinking quickly, perceiving the right and wrong of any question, were developed. I have often heard him say he was indebted to his fond mother for his early ideas of oratory, botany, habits of reading, &c. He esteemed her the unparalleled of her sex in natural *talent*, *education*, accomplishments, and personal appearance. She was indeed a noble woman; and her *piety* sustained her in her many trials of life, which was only extended to thirty-two years.

2. He read law under Judge Reid, was admitted to the bar at the age of twenty-one years, (in 1827,) and practised a short time in Augusta in company with Judge Reid. A few years after, he married Miss Kirkland, a lady of fine sense, beauty, and wealth, of Barnwell, and then settled in Scriven county, lived on his plantation, devoting himself to his family, studies, planting, politics, and the practice of law. He was a very domestic man, and, although so fitted for society and the world, he never loved its *glare* and bustle, and always shrank from the multitude. A tea or dinner party, where each one was to measure his words, study attitude, or dress as a narrow-minded tailor might dictate, was his *aversion*. But place him in his own drawing-room, or anywhere else where he dared be *natural* or *sensible*, and then you would see what he was. No one, on those occasions, failed to be charmed by his good-humor, wit, and gaiety.

3. He obtained a great deal of practice, and was a hard student at times,—not *always*: his health would not admit of constant study; but he could see through a case, seize the best points of it, and know how to manage it, while other men would be wondering what was best to be done.

4. His style was any thing the occasion called for,—diffuse or compact, as the case required. His language was easy and eloquent, always to the point. On the spur of the moment he made as good a speech as if he had had a week to consider. His anecdotes and stories were always told in his peculiarly original and laughable manner. When well, his spirits were light and buoyant, full of *hope*. He was entertaining to the young and the old, to the ignorant and the learned. He avoided all display or manner that would make an ignorant man feel his own inferiority; and to the honest poor he was ever a warm friend. On the other hand, he could be *grave*, and *sombre*, and thoughtful, with a heart always open to the distress of others and never neglecting the unfortunate.

5. He died in 1849, at the residence of Mr. G. Robinson, (Mrs. Black's grandfather,) in Barnwell district, whither he had gone for a change of scene. He lived but three weeks after his arrival there; and, notwithstanding the tender care of his family, his sufferings were intense,—and he endured them *well*, though at times so desponding the mental darkness was scarcely endurable. But when reaction would come he would be as bright and patient as ever. His love and tenderness for his family was absorbing. He would follow them with *loving* eyes; and the thought of

leaving them so soon to contend alone with the trials of life filled his heart with regret. But from the first he knew he *must die*. He therefore arranged his temporal matters, and committed his soul and body to his heavenly Father, feeling that he had made his peace with God and man, patiently awaited his final hour, which was passed without *one* struggle; and so easily did he pass from time into eternity that his family, who surrounded him, knew not the moment of the spirit's flight.

With regard to his intellect, disposition, and manner, I could say much; but the public know as much about *that* as I do. His intellect was clear. He perceived quickly and understood thoroughly. He had a genius for every thing,—*music* as well as politics,—and, with his power of mimicry, would have made as good an *actor* as *orator*. His disposition was kind. He never took advantage of the weak; but he never spared an enemy of power. At home, in his family, he was all love and good-humor, taking every thing *just* as it happened. But in the court-house, in the House of Representatives, or elsewhere in public, he always maintained his opinions with spirit, and, if requisite, a little touch of sarcasm was at his command. He was independent in his feelings and actions, and, *once right*, he defied the world. Policy was not *his ruling principle*. His manner was easy, and a natural polish marked his manly bearing. He was not a slave to habits or customs, but, with his native politeness, acted on every occasion as his own good judgment dictated.

The public life of Mr. Black commenced in 1829, when he was elected a Representative in the Legislature from Richmond county, and was re-elected in 1830. He at once became prominent as a debater, and was heard with great satisfaction on the floor and in the galleries. His praise as a witty, animated, graceful speaker was sounded in every quarter. The author saw him for the first time at the session of 1830, when Mr. Black signalized himself by a course of bitter opposition to Franklin College. The Journal of the House (p. 108) contains this entry, under date of November 2, 1830:—

Mr. Black, agreeably to notice, moved for the appointment of a committee to prepare and report a bill to remove the site of Franklin College from Athens to Milledgeville, and to appropriate money for the erection of suitable buildings for that purpose, and to appoint fit and proper persons for designating the spot upon which said buildings shall be erected, and for superintending the erection of the same.

Ordered, That Messrs. Black, Dougherty, and Howard of Baldwin, be that committee.

For what particular reason he agitated this measure, or what good he expected to accomplish by it, the author is not prepared to say. He remembers to have heard Mr. Black, while discussing some question in the House, make very light of the scholarship of the university, stating that he had received "Bucket letters" from the students, with such poor spelling as to render it a sufficient cause for him to turn off his overseer had he perpetrated such inaccuracy

in a note relative to his plantation. He was quite merry and severe on the subject, causing much laughter,—mostly, however, at his own expense in appearing to think that the students had expended all their ability and intelligence in framing *those letters*, when in truth their only object was to annoy him for some indignity he had offered them as a class, and to disguise their style so as to prevent detection. Possibly he supposed that, by having the college under the immediate inspection of the Legislature, a higher tone in letters and in morals might be infused by social contact with the members of that body. Mr. Black was then only twenty-four years old, and may have indulged this theory,—which further experience, no doubt, led him to abandon. From a hasty examination of the journal, no evidence is seen that the bill was ever reported by the committee proposing to discontinue the college at Athens and rear it up again at the seat of government. Mr. Speaker Hull, who was always vigilant and fair, so arranged the committee as to represent both localities. Judge Dougherty was of Athens, and Major Howard of Milledgeville, whilst Mr. Black was between, fighting as earnestly as a certain Spanish cavalier who drove his lance into a machine described by Cervantes, which threw rider and horse both prostrate without material damage to the machine. It is probable that when the committee met for consultation the majority voted down the project, and thus left the originator powerless, as he could not introduce his bill except through a committee. With all due respect for Mr. Black and his motives, it is a matter of gratulation that he failed to disturb the college, which continues to hold up its head on the beautiful elevation at Athens, whilst some of its jolly inmates still write “bucket letters” to such persons as they believe will profit by that kind of correspondence.

Mr. Black was a candidate for Attorney-General in 1831, and was defeated by one vote. The ballot stood—C. J. Jenkins, 108 ; E. J. Black, 105 ; scattering, 2.

It is not necessary to follow up the interval from 1830, showing what courts Mr. Black attended, in what important cases he appeared as counsel, or what articles he wrote for the newspapers, or what speeches he made in support of the Whig party, until his election to Congress in 1838. It suffices to say that, in 1840, he, with two of his colleagues (Messrs. Colquitt and Cooper) of the House of Representatives, divided from the remaining delegation from Georgia by refusing to support Gen. Harrison for the Presi-

dency. His course was ratified by his constituents, as the following document will show :—

GEORGIA.—By Charles J. McDonald, Governor of said State.

To the Honorable EDWARD J. BLACK, Esq., greeting :—

Whereas, by the second section of the first article of the Constitution of the United States, it is ordained and established that the House of Representatives shall be composed of members chosen every second year by the people of the several States : and whereas, by the returns made agreeably to law, of the election held on the first Monday in October last for eight members to represent this State in the House of Representatives of the Congress of the United States for two years from and after the third day of March next, you, the said Edward J. Black, were duly elected one of the said Representatives : These are therefore to commission you, the said Edward J. Black, to take session in the House of Representatives of the United States for two years from and after the third day of March next as aforesaid, and to use and exercise all and every the privileges and powers which of right you may or can do by virtue of the said Constitution, in behalf of this State.

Given under my hand and the great seal of the State, at the Capitol in Milledgeville, this twelfth day of November, in the year eighteen hundred and forty-two, and of the Independence of the United States the sixty-seventh.

By the Governor :

CHARLES J. McDONALD.

J. W. A. SANFORD,

Secretary of State.

Such a testimonial, granted three times in succession, is no small honor to any man ; for Mr. Black was six years a member of Congress,—from 1839 to 1845. He made several speeches there, which gave him a high reputation in debate and for elegant scholarship. His diction partook of the purity of Wilde, with a good deal of his elevation of sentiment, and of the causticity of Randolph when impaling an adversary. The comparison is not intended as perfect, but merely to denote qualities more or less developed. Mr. Black was unquestionably a man of genius, and as such deserves to have credit with posterity.

His nature was impulsive, his organization acute. He felt a passion for excellence, and took proper models in history for his guide. He lived to see much of the world,—much that wealth and position could alone command. His imagination was too prolific and his taste too severely disciplined to be content with the attainable. He looked for the sublime in the intellect and the affections which is not permitted to man. What generous heart does not sympathize with the longings of his soul, and who that *has experience* cannot bear witness to the illusion ? Such pictures of glory had blessed the visions of his boyhood, and in his mature life he grasped the crown only to find it a shadow, the mockery of happiness.

Like other men of genius who have a vulture within, goading them to action and devouring the current of life, Mr. Black had a constitutional malady which preyed upon his spirits. He was often sad, perhaps murmured, unwisely demanding why he was so smitten. But it is said of him, in the beautiful tribute to be found in the early part of this memoir, that he looked up in the dying hour and saw that all was right: his gloom vanished, and the darkness of this world gave way to the light of another, where the children of the Most High are exempt from suffering.

The author was acquainted with Mr. Black. They spent an evening together, more than twenty years ago, at the hospitable mansion of a well-known citizen.* He was all that has been claimed for him in the vivacity of his wit and the art of making others happy by his conversation. He was then in the zenith of his manhood, apparently free from disease, and bade fair to survive the humble invalid who now dictates this grateful offering to his memory. Mr. Black died in the forty-third year of his age, mourned by his relatives and lamented by his country.

V.

DUNCAN G. CAMPBELL.

THIS gentleman was born on the 17th day of February, 1787, in the State of North Carolina, and graduated at Chapel Hill University in 1806. The next year he came to Georgia, and read law in the office of Judge Griffin, of Wilkes county, having, at the same time, charge of a female academy. Compelled by ill health to resign his practice, Judge Griffin transferred it to Mr. Campbell, who in due time became prominent and successful at the bar.

Mr. Campbell was elected Solicitor-General of the Western Circuit on the 10th of November, 1816. At the expiration of his term of office he was elected a Representative in the Legislature from Wilkes county. His course proving satisfactory to his constituents, they re-elected him the three succeeding years. During this time he formed a professional connection with Garnett An-

* The late General Blackshear of Laurens county.

drews, Esq., who attended to all the court-business in his absence, thereby enabling him to devote his time to the public service. Mr. Campbell has the honor of being the first man in Georgia to introduce a bill for the education of females. Though he defended the measure with zeal and ability, a majority of the Legislature did not concur with him in opinion, and it was defeated. He was industrious in his habits, liberal in his views, and ever watchful of the public interests,—especially for the diffusion of knowledge among the masses as an element of public happiness and prosperity. His character as an intelligent, trustworthy man secured him a commission from the General Government which has rendered his name conspicuous before the country.

On the 16th of July, 1824, Col. Duncan G. Campbell and Maj. James Meriwether were appointed, by President Monroe, Commissioners to form a treaty with the Creek Indians for the sale of their lands in Georgia and Alabama. It is unnecessary to notice here the difficulties in the way, the preparation for the treaty, the postponement at the instance of the Agent, the correspondence with the War Department, and the instructions given to the Commissioners, and by the latter to the employees of the Government, in arranging for the council at Broken Arrow, in Alabama. On the 7th of December, 1824, the Commissioners met the chiefs, and, through an interpreter, delivered an address, offering an equal quantity of land west of the Mississippi in exchange, and to pay money besides. The reply was not conclusive; and a long *talk* was made to them, full of kindness, and eloquent in its simplicity. The following is a passage:—

Brothers, we plainly see, and we know it to be true, from the talks of the President, the Secretary of War, the Governor of Georgia, the Georgia delegation in Congress, and the Legislature of Georgia, for years past, that one of two things must be done:—you must come under the laws of the whites, or you must remove. Brothers, these are not hard propositions. If you intend to be industrious and go to work in earnest, our laws will not be burdensome. But the difference would be so quick and so great that it might at first make you restless and uneasy. But, let you go where you will, a change in your condition will be the study of Christians and the work of the Government. Brothers, we now tell you what we, in the name of your father the President, want you to do. We want the country you now occupy. It is within the limits of Georgia and Alabama. These States insist upon having their lines cleared. The President will do this by giving you a better country, and will aid you in removing, protect you, where you may go, against whites and all others, and give you a solemn guarantee in the title and occupancy of the new country which you may select. We now leave you, to pause, to examine and decide.

The following closes the reply of the chiefs:—

Brothers, we have already parted with various tracts of our land, until our limits are quite circumscribed: we have barely a sufficiency left us. The proposal to remove beyond the Mississippi we cannot for a moment listen to. Brothers, we have among us aged and infirm men and women, and helpless children, who cannot bear the fatigues of even a day's journey. Shall we, can we, leave them behind us? The answer is in your own hearts. No! Again: we feel an affection for the land in which we were born; we wish our bones to rest by the side of our fathers. Considering, then, our now circumscribed limits, the attachments we have to our native soil, and the assurances which we have that our homes will never be forced from us so long as the Government of the United States shall exist, we now *positively decline* the proposal of a removal beyond the Mississippi, or the sale of any more of our territory. Brothers, we feel gratified by the friendly disposition manifested toward us by you, and, as we meet friendly, so we hope to part.

On the 16th December, the Commissioners met the Indian council again, and explained several treaties, some before the Revolution, showing that "the lands which the nation occupied were not held by title, but reserved to them simply for hunting-grounds." The exchange of lands was then renewed, acre for acre,—that the United States would pay the sum of \$500,000 for all the lands in Alabama and Georgia, or would pay \$300,000 as the difference in Georgia alone, besides paying the nation for their improvements and all the expenses of removal. To all this, the Little Prince said, "We should listen to no old treaties; that at New York the nation gave up land, and that General Washington gave them the balance and told them it was theirs; and that they never intended to spare another foot." On the 18th, when the Commissioners asked the council if they still hesitated in their determination of ceding lands on no terms, the Big Warrior's deputy answered "that he would not take a houseful of money for his interest in the land," and that this might be taken for a final answer.

Thus the treaty at Broken Arrow failed, as the Commissioners reported, from the insidious means which had been resorted to in exciting the prejudices of the Indians. After adjournment, the Commissioners represented to the Secretary of War that a treaty could be effected with McIntosh and a proper number of chiefs for the lands in Georgia. Accordingly, on the 18th January, 1825, Mr. Calhoun transmitted another commission, under which the treaty of the Indian Springs was held, on the 12th February, 1825.

Transactions attended with more or less difficulty,—menaces on the one hand and defiance on the other,—and a variety of events,—much severe writing, toil, opposition,—all crowned with victory

at last in behalf of Georgia and her gallant defenders, are worthy of note in this memoir, as they were connected with the treaty which Col. Campbell had negotiated. A bare reference to some of them is all that our limits will permit, beginning with the letter of the commissioners to Gov. Troup, announcing the treaty:—

INDIAN SPRINGS, February 13, 1825.

SIR :—Your express has this moment reached us, and delivered your communication covering the proceedings of Congress upon the Indian question. We are happy to inform you that the “long agony is over,” and that we concluded a treaty yesterday, with what we consider the *nation*, for nearly the whole country. We enclose you a copy,—also despatches for the Government. These last are addressed to your care, to secure their certain transmission by to-morrow’s mail. The original treaty will be conveyed by our secretary (Dr. Meriwether) to Washington City, by the stage leaving Wilkes on Thursday next. We are still in time for ratification by the present Senate, and beg leave to offer you our sincere congratulations upon the *more* than successful issue of a negotiation in which you have been an ardent co-worker.

With great consideration and respect,

DUNCAN G. CAMPBELL,
JAMES MERIWETHER.

1. Letter from Gov. Troup to the Senators and Representatives in Congress from Georgia, in relation to the conduct of the Agent, the threats to injure McIntosh and his chiefs, early removal of the Indians, organization of the territory, &c. February 17, 1825.

2. Proclamation of Gov. Troup, that the treaty had been ratified by the United States Senate, forbidding trespasses on the lands embraced in the treaty, and calling upon all citizens, officers, and magistrates, to observe the provisions of the treaty and to punish all violators thereof. March 21, 1825.

3. Letter from Gen. William McIntosh to Gov. Troup, alluding to the information given by the Agent to the War Department, that chiefs of the lowest grade had signed the treaty, and that there would be hostilities in consequence. March 29, 1825.

4. Letter from Gov. Troup to Gen. McIntosh, asking his assent to the survey of the lands before removal, and promising protection. March 29, 1825.

5. Letter from Gov. Troup to the Commissioners, stating that the Indians would hold a council for the purpose of taking measures to remove, that an advance-party would explore the country west of the Mississippi, and wanted two thousand dollars to bear expenses. April 4, 1825.

6. Letter from Gov. Troup to Gen. McIntosh, expressing the opinion that there would be no danger of any hostility in consequence of the ratification of the treaty, and that the Commissioners

had been requested to advance the funds necessary for the exploring-party. April 4, 1825.

7. Letter from Col. Campbell to Gov. Troup, accepting the offer of an advance of two thousand dollars to the Indians, to be reimbursed out of the treaty-appropriation. April 7, 1825.

8. Letter from Gen. McIntosh to Gov. Troup, assenting to the survey of the lands, and suggesting difficulties instigated by the Agent. April 12, 1825.

9. Memorial of Gen. McIntosh and his chiefs to the Legislature of Georgia, reviewing the history of the tribe, their friendly relations with the whites, their intended removal West, and asking donations as the wants and distresses of the Indians and the dignity of the State may justify,—concluding thus:—“*Friends and Brothers* :—We finally assure you that our attachment toward our old friends and neighbors shall never cease, and that we will carry with us the feelings of true and devoted friendship toward the State of Georgia, to the United States, and the Legislature of Georgia. If we should be so happy as to experience any token of their regard, we will teach our children to remember it with gratitude, and cause it to be handed down to the succeeding generations of our nation, that they may forever know that Georgia was their friend in the hour of distress.” April 12, 1825.

10. Letter from Gov. Troup to Gen. McIntosh, expressing the hope that he would meet the Little Prince and council in good friendship, and a desire that they would all be united in brotherly affection before their removal. April 16, 1825.

11. Letter from Gen. McIntosh to Gov. Troup, stating that “we do hereby absolutely, freely, and fully give our consent to the State of Georgia to have the boundary belonging to said State surveyed at any time the Legislature of Georgia may think proper, which was ceded at the late treaty at the Indian Springs.” Signed in behalf of the nation, and by the consent of the chiefs of the same. April 25, 1825.

12. Letter from Brig.-Gen. Alexander Ware, informing Gov. Troup of the murder of McIntosh on the morning of the 30th of April, by the Indians hostile to the treaty, who fired from two to four hundred guns at the house of McIntosh, killing him, burning his houses, carrying off his negroes and other property. The hostile party in the nation exceeds four thousand warriors, and the friendly party now reduced to only five hundred. “They implore protection; they need it; they are constantly coming in,—say the road is covered with others.” May 1, 1825.

13. Letter from Gov. Troup to the President of the United States, relating the death of McIntosh,—“a chieftain whose virtues would have honored any country.” The preparations for this tragedy were long notified to the Government in the conduct of the Agent. Atonement shall be made for the death of McIntosh and his friend Tustunnuggee, the old chief of Coweta, who perished with him. May 3, 1825.

14. Letter from Gov. Troup to Joseph Marshall, advising quiet until measures are taken to avenge the death of McIntosh by the whites. May 3, 1825.

15. Letter—from Peggy (wife) and Susannah (daughter) of Gen. McIntosh—to the Commissioners, informing them of the dreadful butcheries of the hostile Indians, the killing of Col. Samuel Hawkins, distressed situation of the friendly Indians, destitute women and children flying to the white settlements. May 3, 1825.

16. Orders of Gov. Troup to Major-Generals Wimberly, Shorter, and Miller to hold their divisions in readiness to march at a moment's warning, either by detachments or otherwise, as may be commanded by authority of the Legislature or the Executive. May 5, 1825.

17. Letter from Gov. Troup to Gen. Ware, to provide for the comfortable maintenance of the friendly Indians who had taken refuge in the white settlements, the expense to be borne by Georgia in the first instance and reimbursed by the United States. May 5, 1825.

18. Letter from Gov. Troup to the Secretary of War, enclosing a copy of Gen. Ware's letter, and notifying him that measures had been adopted for the protection of the frontiers, and for the safety of the friendly Indians, until the authority of the United States can be effectually interposed for these objects; and that the expenses incurred will be chargeable to the United States. May 5, 1825.

19. Letter from Brig.-Gen. McDonald to Gov. Troup, giving information, on the authority of Mr. Freeman, that the Indians had determined to take the life of the Agent,—both parties being hostile to him,—and advising that military supplies be furnished the Agent, to enable him, with three or four hundred Indians who would stand up to him, to defend themselves. May 6, 1825.

20. Letter from Gov. Troup to the Secretary of War, enclosing copy of letter from Gen. McDonald, and stating that up to date not a word had been heard from the Agent. May 9, 1825.

21. Letter from Gov. Troup to Gen. McDonald, referring to a

letter from the Agent to Mr. Bozeman, published that morning, the contents of which being inconsistent with the representations made by Mr. Freeman, the measures taken for the safety of the Agent will be arrested, there being no prospect of danger to him, from his own admissions. May 10, 1825.

22. Affidavit of Francis Flournoy, who was in Gen. McIntosh's house at the murder and burning: from two to four hundred Indians surrounded the house about daylight, set a guard round it, fired the buildings, and shot fifty bullets into the general and as many into Tustunnuggee. The females and children were stripped of their clothing, the premises plundered of every thing valuable, carried off all they could, and destroyed the balance. May 16, 1825.

23. Presentments of the Grand Jury of the United States Circuit Court for the District of Georgia, recommending a strict investigation of the Indian atrocities and the conduct of persons concerned, and the punishment of the authors, perpetrators, aiders, and abettors of the crimes committed, and that adequate protection and succor be afforded to the fugitive Indians while danger continues, and that copies of the presentments be certified to the President of the United States, and to the Governor of Georgia. May Term, 1825.

24. Statement of facts by twenty-four chiefs, friends of McIntosh, in which it is denied that McIntosh or his party, or any council of the nation, ever made a law "that, if any Indian chief should sign a treaty of any lands to the whites, that he should certainly suffer death;" so that this pretext for the murder of McIntosh is false. May 17, 1825.

25. Letter from Gov. Troup to the chiefs, stating,—

I hope that the worst is over. 'Tis true that McIntosh and his friends who have been so cruelly murdered cannot be restored to life; but the Great Spirit, who is also good and merciful, will look down upon your sufferings with pity and compassion. He will wipe the tears from your eyes, and soften the hearts of even your enemies among the whites; so that if your Great Father [the President] should turn his ear from your complaints, or shall fail to punish the white men who, in his name, have disturbed your peace and brought the heaviest afflictions upon you, he will have to answer for it both to his white children and the Great Spirit. It cannot be doubted, therefore, that all will yet be right. In the mean time, continue to do as I have advised you, and until you hear from me. My officers everywhere are ordered to take care of you and make you comfortable. May 21, 1825.

26. Message of Gov. Troup to the Legislature (special session)

on the subject of the treaty and the disposition of the lands. Referring to the Indians, he said :—

Having their own pledge that the peace should be kept among themselves, I wished to see no interruption of it by the Georgians; and, honorably for them, there has been none. I verily believe that, but for the insidious practices of evil-minded white men, the entire nation would have moved harmoniously across the Mississippi. The massacre of McIntosh and his friends is to be attributed to them alone. That chieftain, whose whole life has been devoted to Georgia as faithfully as to his own tribe, fell beneath the blows of the assassins when reposing in the bosom of his family upon the soil of Georgia,—the soil which he had defended against a common enemy and against his own blood, which he had relinquished forever to our just demands, and which he had abandoned to our present use only because we asked it. So foul a murder, perpetrated by a foreign force upon our territory and within our jurisdiction, called aloud for vengeance. It was my settled purpose, having first consulted the Government at Washington, to have dealt out the full measure of that vengeance,—so that honor, humanity, justice, being satisfied, whatever stain may have been left upon our soil, none should upon the pages of our history. May 23, 1825.

With this message the documents from which the foregoing abstract is made were transmitted to the Legislature, besides other papers relating to the negotiations with the Creeks and the matters growing out of them.

27. In the annual message of Gov. Troup, the Indian difficulties, the course of the General Government and of its functionaries from the major-general down, are specially reviewed, and are thus summed up:—

The result of all which is, that, judging the motives and objects of human action by the results, the agents of the United States, whether commissioned for that purpose or not, must have been intent on vindicating the conduct of the Agent for Indian Affairs and opening the way for the rupture of the treaty; for that conduct has been *vindicated* and approved by them, and all the materials, as it is understood, collected for that rupture, whilst the Indians remain unreconciled either to one another or to the treaty, and a large portion of them more embittered and exasperated against the authors of it than ever.

28. Letter from Major-General Edmund Pendleton Gaines to Gov. Troup, acknowledging the receipt of certain correspondence and the instructions to Captain Harrison. June 13, 1825.

29. Orders of Gov. Troup to Captain James Harrison, commanding Twiggs county cavalry, to repair to the frontier for the protection of our citizens and others, with their property, against the assaults of the enemy, and to chastise all who shall be mad enough to commit aggression. June 10, 1825.

30. Letter from Gov. Troup to Gen. Gaines, notifying him, before he communicated with his Government or met the Indians

in convention, that the laws of Georgia were already extended over the ceded territory, and that it was the duty of the Governor to execute them there,—the act of the Legislature on the subject appearing in the morning papers. June 14, 1825.

31. Letter from Gov. Troup to Gen. Gaines, apprizing him that the Governor of Alabama would be requested to join in marking the line between that State and Georgia; and, “if that concert and co-operation be refused, we will proceed to run the line without them, as we will also proceed in due time to make the survey of the lands within our limits, disregarding any obstacles which may be opposed from any quarter.” June 13, 1825.

32. Letter from Gen. Gaines to Gov. Troup, stating that, in his conference with the Indians relative to the treaty and the matters springing from its execution, he is “distinctly authorized to state to the Indians that the President of the United States has suggested to Gov. Troup the necessity of his abstaining from his entering into and surveying the ceded land until the time prescribed by the treaty for their removal.” June 14, 1825.

33. Letter from Gov. Troup to Gen. Gaines, in which he says:—

On the part of the Government of Georgia, the will of its highest constituted authority has been declared, upon the most solemn deliberation, that the line shall be run and the survey executed. It is for you, therefore, to bring it to the issue; it is for me only to repeat that, cost what it will, the line will be run and the survey effected. The Government of Georgia will not retire from the position it occupies to gratify the Agent or the hostile Indians; nor will it do so, I trust, because it knows that, in consequence of disobedience to an unlawful mandate, it may be very soon recorded that “Georgia was.” June 15, 1825.

34. Letter from Gen. Gaines to Gov. Troup, in which he regrets the difference of opinion, and the expression of any feeling or controversy. To prevent disturbances in the nation, he calls on the Governor for two complete regiments, one of cavalry and one of infantry. June 16, 1825.

35. Letter from Gov. Troup, informing Gen. Gaines that orders had been issued to hold in readiness two regiments for his service, and to furnish as large a proportion of volunteers, infantry, and cavalry as can be conveniently assembled. Captain Harrison’s troop of cavalry was placed under his orders. June 16, 1825.

36. Letter from Gov. Troup, apprizing Gen. Gaines of the Commission appointed under an act of the Legislature to investigate the conduct of the Agent, but not to interfere with any negotiations between the United States and the Indians, unless invited

by the officers of the former, or that the questions before the council shall be of such a nature as to require their presence to do justice to all parties. June 18, 1825.

37. Letter from Gen. Gaines to Gov. Troup, declining the presence of the Georgia Commissioners at any council with the Indians. June 22, 1825.

38. Letter from Gen. Gaines to Gov. Troup, stating that a conference had been held with the Indian council, who promised to be peaceable, though they protest against the treaty and refuse any part of the consideration-money. They would not raise an arm against the United States, nor make any resistance to an army sent to take their whole country, but would sit down quietly and be put to death where the bones of their ancestors were deposited,—“that the world should know the Muscogee nation so loved their country that they were willing to die in it rather than sell it or leave it.” July 1, 1825.

39. Letter from Gov. Troup to Gen. Gaines, showing that the obstinate refusal of the Indians to remove was the work of new prejudices:—

I much fear that this ardent love of country is of recent origin. We can scarcely believe that the *amor patriæ* is all upon one side, and that side the hostile one. Will you not be able to discover, in the course of your investigations, that any thing had been said and done by white men to prejudice them against their new home? It is indeed a pity that these unfortunate men should be the dupes of the most depraved of our own color, and so far the dupes as to be made to act in direct repugnance to their own best interests. It is more to be lamented that the impostors and knaves cannot be dragged from their hiding-places and punished. July 4, 1825.

40. Gen. Gaines to Gov. Troup, stating that the Indians had agreed to be peaceable with each other, and to restore all property wrongfully taken, and pay all destroyed contrary to law. They still declare the treaty was the offspring of fraud, entered into contrary to the known law and determined will of the nation, and by persons not authorized to act. They still refuse to share any part of the money under the treaty, or to give any other evidence of acquiescence. In view of the pacification, there will be no necessity for calling into service any part of the militia or volunteers of the State. He enclosed a certificate signed by William Edwards and Joseph Marshall, that they were present when the express from Gov. Troup delivered the request to Gen. McIntosh for leave to survey the lands, when the latter replied that he could not grant the request, but that he would call the chiefs together and lay it before them,—which was never done. July 10, 1825.

41. Gov. Troup to Gen. Gaines, denouncing the certificate of Marshall, who had repeatedly declared that there was not a dissentient voice from the survey among the friendly chiefs. Gov. Troup says:—

I very well know from late events which have transpired under the eyes of the Commissioners, that the oath even of a Governor of Georgia may be permitted to pass for nothing, and that any vagabond of the Indian country may be put in requisition to discredit him. But I assure you, sir, if that oath should not weigh one feather with your Government, it will weigh with the people of this State, who have never refused credence to the word of their chief-magistrate, and, I believe, will not to the present one, unworthy as he may be. Permit me to say in frankness that I do not like the complexion of things at all as disclosed by the Commissioners on the part of the State, and sincerely hope that you may never have cause to regret the part you have taken in them. July 16, 1825.

42. Letter from Gen. Gaines to Gov. Troup, defending the character of Edwards and Marshall, as men worthy of the highest credit; severe and caustic in its figures, such as, "The enlightened citizens of the republic, having long since found it to be fruitless to look for *angels* in the form of *men* to govern them, know full well how to discriminate between the *high office* and the *man* who fills it;" "the adamantine pillars of the *Union*, against which the angry, vaporing, paper squibs of the *little* and the *great demagogues* of all countries may be continued to be hurled for hundreds of centuries without endangering the noble edifice." Further he says:—

It is not to be denied that there is in Georgia, as well as every other State, a small class of men who, like the "*Holy Alliance*," profess to employ themselves in the laudable work of enlightening and governing all other classes of the community, but whose labors consist of the vain and "daring efforts" to prove the light of truth is to be found only with the party to which they themselves respectively belong, and that all others go wrong. If you will take the trouble to read the newspaper essays with which the presses have been teeming for some years past, you will find that many of the essayists have had the hardihood to "refuse credence to the word of their chief-magistrate;" and yet we have no reason to despair of the Republic. July 28, 1825.

43. Letter from Gov. Troup to Gen. Gaines on ascertaining that the letter of 28th ult., published in the *Georgia Journal*, was in his handwriting, saying, "I have lost no time to direct you to forbear further intercourse with this Government. Having thought proper to make representations of your conduct to the President, I have ordered you to be furnished with a copy of every letter written on your subject, and which will reach you in due time. Any communication proceeding from the officer next in command

in this military department will be received and attended to." August 6, 1825.

44. Gov. Troup to T. P. Andrews, Special Agent, appealing to his sound sense to know what good or what changes will be effected by further convocations with the Indians while the Agent retains his place, to exercise influence over them as he has always done:—

The documents of incontestable authority prove to you that they will not. No, sir; the way to the accomplishment of the ends of your mission is open. Suspend the Agent, make atonement to the friends of McIntosh for the blood shed by the guilty instruments of white men, restore the friendly chiefs to their political rank and power, and, my word for it, you will find truth,—and enough of it for every purpose,—peace, reconciliation, and union. June 14, 1825.

45. Gov. Troup to T. P. Andrews, placing in his possession the report of a committee and resolutions of the Legislature, supported by evidence in the case of the Agent for Indian Affairs, whose conduct in connection with the late disturbances in the Creek nation had been a subject of investigation before the Legislature. June 13, 1825.

46. T. P. Andrews to Gov. Troup. Has seen nothing in the evidence to authorize the suspension of the Agent; yet, in courtesy to the Governor, the suspension is ordered. In the mean time, he trusts the evidence which has been collected altogether *ex parte* will not be laid before the public until the Agent has an opportunity of defending himself, or the General Government an opportunity of examining the evidence adduced by either party. June 18, 1825.

47. Gov. Troup to T. P. Andrews. Corrects the mistake that the Agent was denied the opportunity of defending himself. The Commissioners were directed to afford him that privilege; but the Agent declined availing himself of the cross-examination of witnesses, or being present at any examination, professing to deny the right of Georgia altogether to interfere in this matter. June 20, 1825.

48. T. P. Andrews to Gov. Troup. Evinces some knowledge of special pleading, charges, specifications, testimony, confrontation of witnesses, and all that process, applied to the Agent, and denies the existence of all prejudice by the General Government in favor of the Agent, &c. June 23, 1825.

49. Gov. Troup to T. P. Andrews. Is at a loss how to frame specifications to cover the case of the Agent, date, place, crime, and the precise part acted by him in instigating the Indians to murder McIntosh, oppose the treaty, &c. The charge has been

sufficiently explicit for all rational purposes, and, if more is required, it is not his duty to furnish it. June 27, 1825.

50. Gov. Troup to T. P. Andrews:—

SIR:—I call your attention to a letter purporting to be yours, and addressed to the Agent in extenuation of your conduct for the act of suspension, and published in a paper here, of this morning, called the *Patriot*. If this letter be authentic, you will consider all intercourse between yourself and this Government suspended from the moment of the receipt of this. June 28, 1825.

51. T. P. Andrews to Gov. Troup, [treated as unofficial after suspension,] admitting the letter in the *Patriot*, and still declaring the innocence of the Agent:—

Being an officer of the General Government, I can go on to discharge my duties fearlessly, according to the dictates of my conscience and to the best of my judgment; and, if I am to be added to the list of the proscribed for interposing the shield of my Government to prevent the destruction of a man doomed to be condemned without a hearing or trial, I wish that suspension not only continued, but made absolute and permanent. July 4, 1825.

52. Gov. Troup to the Secretary of War, informing him of the cause and the fact of suspension of further intercourse with T. P. Andrews, Special Agent. June 28, 1825.

53. Gov. Troup to the President of the United States, forwarding a report and sundry resolutions adopted by the Legislature, with the evidence relating to the conduct of the Agent for Indian Affairs. June 13, 1825.

54. C. Vandeventer, Chief Clerk of the War Department, (the Secretary being absent,) informs Gov. Troup that the President has decided that, if the land is surveyed before the time fixed by the treaty, the responsibility will be upon the Government of Georgia. June 15, 1825.

55. The Secretary of War, to Gov. Troup, says:—

The Indians, to the number of 1890, including a large majority of their chiefs and head-men of the tribe, have denounced the treaty as tainted alike with intrigue and treachery, and as the act of a very small portion of the tribe against the express determination of a very large majority,—a determination known to the Commissioners.

He repeats that the survey of the lands before 1st September, 1826, would be an infraction of the 8th article of the treaty, which the President was bound to execute, and that, for the present, a previous survey will not be permitted. A copy of the instructions to Gen. Gaines is enclosed. July 21, 1825.

56. The Secretary of War, to Gen. Gaines, among other things, said:—

Yet should he [Gov. Troup] persevere in sending persons to survey the lands embraced within the treaty, you are hereby authorized to employ the military to prevent their entrance on the Indian territory, or, if they should succeed in entering the country, to cause them to be arrested, and turn them over to the judicial authority, to be dealt with as the law directs. July 21, 1825.

57. Gov. Troup to the Secretary of War:—

You make known at the same time the resolution of the President to refer the treaty to Congress, on the allegation that intrigue and treachery have been employed to procure it. This at once puts a stop to the survey; and you will inform the President that, until the will of the Legislature of Georgia is expressed, no measures will be taken to execute the survey.

The Executive of Georgia has no authority, in the civil war with which the State is menaced, to strike the first blow, nor has it the inclination to provoke it. This is left for those who have both the inclination and authority, and who profess to love the Union best. The Legislature will on their first meeting decide what, in this respect, the rights and interests of the State demand. In the mean time, the right to make the survey is asserted, and the reference of the treaty to Congress for revision protested against, without any qualification. It is true, sir, that, according to my own opinion, if there be fraud and corruption in the procurement of the treaty, it ought to be set aside by the indignant expression of the nation's will: the taint of such corruption, according to that opinion, would suffice to render void an instrument of any kind purporting to pass a right of any kind.

But of what avail is this opinion against your own established maxims and precedents? You would deery it as the visionary speculation of a wild enthusiastic, because you would refer me to all your Indian treaties. You would present to me, in full relief, the decision of your Supreme Court in the case of Fletcher and Peck, where, a feigned issue being made to settle the principle, the principle was settled that the Legislature of Georgia having, by bribery and corruption, sold the inheritance of the people for a mess of pottage, the grant passed a vested right which could by no possibility be divested; and, therefore, that the Congress had no alternative but to surrender the territory of Alabama and Mississippi, or compromise the claims. They chose the latter, and gave five millions of dollars to the claimants,—of which we paid our full proportion.

Whilst, therefore, I present my own opinion on the one hand, you have, on the other, my public and official protestation, in strict accordance and unison with your and all your constituted authorities' decisions, and which place the treaty upon such high ground that, no matter by what execrable baseness it may have been elevated there, the Congress of the United States cannot reach it.

It may be otherwise, but I do sincerely believe that no Indian treaty has ever been negotiated and concluded in better faith than the one which is the subject of this letter. If it be otherwise, having been concluded by your own officers against your instructions, without any participation of the authorities of Georgia, I sincerely hope that those officers may, so far as you have power, be brought to trial and punishment. But yet, according to your own doctrines, this does not impair the validity of the treaty. The Legislature of Georgia will, therefore, at

its first meeting, be advised to resist any effort which may be made to wrest from the State the territory acquired by that treaty, and no matter by what authority that effort be made. August 15, 1825.

58. Gov. Troup to the President of the United States, communicating the report of the Georgia Commissioners in the case of the Agent, and pointing out the sufficiency of the evidence for his removal and the injustice on the part of the agents of the Federal Government toward Georgia, their bias and obstinacy, their readiness to believe any person and any circumstance in favor of the Agent for Indian Affairs, and their incredulity to proof of the highest grade when against him:—

A gentleman of clear intellect, pure morals, honorable character, and great prudence [Col. Henry G. Lamar] is selected by the Governor to hold a talk with the Indians. He performs that duty, makes his report, and the report is at once discredited on the naked word of the Indians. General McIntosh writes three several letters to the Governor, subscribed by his own proper hand, giving his assent to the survey of the country; the friendly chiefs, Marshall included, repeatedly assure the Governor that they, one and all, consent to the survey; a certificate is obtained from this same Marshall and a white man, to prove that General McIntosh refused his assent; General Gaines immediately comes to the conclusion that this assent was never given.

The admission of free communication with the Indians to every other description of persons, and the denial of it to the Georgia Commissioners, was a further wrong done to Georgia.

Indeed, sir, it would appear from the reports of the Commissioners that all or any description of testimony would be willingly received on the one side, and particularly that description which would exculpate the Agent, excuse the hostile Indians, prevent the survey of the lands, or effect the abrogation of the treaty; and, on the other side, every thing was to be discredited, or received, at best, with many grains of allowance, and every act or proceeding of the Commissioners of the United States or of the constituted authorities of the State resolved into corruption and depravity. July 26, 1825.

59. Gov. Troup to the President on the course of Gen. Gaines, his partisan interference, his dictatorial bearing, his admission of unworthy persons to outweigh the statements of the Government. August 7, 1825.

60. The Secretary of War to Gov. Troup, regretting the posture of affairs, and expressing the desire of the President to avoid all differences, so far as his duty will permit; that he has heard with satisfaction the determination of the Governor not to proceed with the survey until the whole matter can be submitted to Congress and to the Legislature of Georgia. August 30, 1825.

61. Gov. Troup to the President of the United States:—

In the enclosed gazette you will find another insolent letter, dated the Vol. 1.—9

16th instant, addressed by your agent, Brevet Major-General Gaines, to the Chief-Magistrate of this State. Having been betrayed by his passions into the most violent excesses, he is presented before you at this moment as your commissioned officer and authorized agent, with a corps of regulars at his heels, attempting to dragoon and overawe the constituted authorities of an independent State, and on the eve of a great election, amid the distractions of party, taking side with the one political party against the other, and addressing electioneering papers almost weekly to the Chief-Magistrate through the public prints, couched in language of contumely and insult and defiance, and for which were I to send him to you in chains I would transgress nothing of the public law. The same moderation and forbearance with which I have endeavored heretofore to deport myself in my intercourse with you, and from which I trust there has in no instance been a departure, but on the highest necessity, have restrained me from resorting to harsh and offensive measures against him. You will see, however, if this officer has been thus acting by your authority or countenance, you have an awful atonement to make to your contemporaries and to posterity.

But if, contrary to either, he has assumed the responsibility, it is expected that your indignant reprobation of his conduct will be marked by the most exemplary punishment which the laws will enable you to inflict. I demand, therefore, as Chief-Magistrate of Georgia, his immediate recall, and his arrest, trial, and punishment under the rules and articles of war. August 31, 1825.

62. The Secretary of War to Gov. Troup, adhering to the course of submitting the conduct of the officers of the United States to Congress, and enclosing a copy of his letter to Gen. Gaines, though "The President has decided that he cannot, consistently with his view of the subject, accede to your demand to have Gen. Gaines arrested." September 19, 1825.

63. The Secretary of War to Gen. Gaines, referring to the decorum which ought to mark his official intercourse with the State authorities; and the letters from Gov. Troup, showing that a contrary course had been pursued:—

He [the President] has therefore seen with regret that, in the letters published, (which, though not transmitted to the Department, he presumes, are authentic,) purporting to be from you to Gov. Troup, you have permitted yourself to indulge a tone whose effect will be to destroy that harmony which the President is so much disposed to cherish, and the publication of which is calculated to inflame those differences which moderation and forbearance could not fail to allay. In communicating to you the disapprobation of the President, as well for writing as publishing those letters, and his injunction that, in your official intercourse with Gov. Troup in future, you abstain from every thing that may be deemed offensive, I am directed to add, as an act of justice to you, that the President sees, in the serious charges made against you by Gov. Troup, and the publicity given to them, and which the letters complained of were intended to repel, circumstances which go far in his opinion to palliate your conduct, and

without which palliation the President would have found it his duty to have yielded to the demand of Gov. Troup. September 19, 1825.

64. Gov. Troup to the Secretary of War, rectifying the pretext on which the President declined to arrest Gen. Gaines:—

Nothing offensive or exceptionable was ever written to that officer before he had sanctioned by his approbation an offensive letter written by your Special Agent on the 21st of June, and addressed to the Agent for Indian Affairs, in which the authorities of Georgia are wantonly abused for injustice, oppression, and tyranny practised against the Agent, or before he had obtained a false certificate from two base and unworthy men to traduce and vilify the character of the Chief-Magistrate of Georgia, which he ordered to be published of his mere volition, on pretence that false rumors were in circulation,—of what, or about whom, he did not say,—and this, too, done, as was afterwards made manifest, for the purpose of influencing the general election in this State in behalf of his favorite candidate. That you may entertain no doubt of the correctness of this statement, and the incorrectness of the statement of the President, you have only to compare the dates of the various letters and of their publication. It will be seen that before Gen. Gaines could have received my letter of the 16th July, of which he complained, he had already ordered the publication of his of the 10th of July, to which it was an answer.

You will be furnished with additional testimony to show the very reprehensible conduct of the same officer in his deportment toward the authorities of Georgia,—not with any the least expectation that justice will be rendered by the President to those authorities, but in discharge of duties which they owe themselves. October 15, 1825.

65. Gov. Troup to Messrs. Warren Jourdan, Seaborn Jones, William H. Torrance, and William W. Williamson, Commissioners under a resolution of the Georgia Legislature to investigate the conduct of the Agent for Indian Affairs and the disturbances in the Creek nation:—

You are requested to proceed to the Indian Springs, to attend a council of the friendly Indians to be holden there on the 20th inst. As it is presumed that every concert tendered on the part of this Government to assure a full development of the facts connected with the late disturbances in the Creek nation, and also such as may more particularly affect the guilt or innocence of the Agent under the charges exhibited against him by the Governor of this State, will be gratifying to Major-General Gaines, you are hereby authorized and empowered, under the authority vested in you by the Legislature, to employ all lawful means for the furthering of the objects aforesaid, avoiding, at the same time, any interference whatever with that council in matters disconnected with the objects of your mission, and which appertain exclusively to interests and relations purely political, subsisting between the General Government and Indians.

After further directions as to other places, and the aid of friendly chiefs to be kept with the Commissioners, the Governor

says, "Should such participation be denied you, you will enter your formal protest against that denial, and proceed to avail yourselves, within the jurisdiction of Georgia, of all the testimony you can obtain." June 18, 1825.

66. The Georgia Commissioners to Gen. Gaines:—

Enclosed you will receive a copy of a letter of instructions from his Excellency the Governor of Georgia to us as Commissioners in behalf of the State, for the purposes therein mentioned. It is important to the Commissioners that your answer to the application of his Excellency the Governor to admit the Commissioners to a full and free participation of the council of the Indians should be received as early as practicable. June 20, 1825.

67. Gen. Gaines to Messrs. Jourdan, Williamson, and Torrance, Commissioners:—

In reply, I have to observe that, however much I might be aided by the light of your experience, I do not feel myself authorized, without new instructions from the Department of War, to comply with your demand to be admitted 'to a full and free participation of the council of the Indians.' The council is assembled for the purpose of enabling me to discharge duties of a very delicate and important nature confided to me by the General Government. I deem it proper, therefore, that I should exercise the entire control of every subject to be acted on, and of every expression uttered to the council by any officer or citizen permitted to address it, whether of the United States or of any individual State or Territory. Without such control our councils would be involved in confusion, and they would be wholly useless,—if not worse than useless. June 21, 1825.

68. The Georgia Commissioners to Gen. Gaines:—

We are instructed to say that our Government disclaims in the strongest terms any wish or intention in any wise to embarrass your movements as connected with any matter growing out of the present unfortunate and peculiar situation of the Creek nation of Indians. The Government of Georgia has created the commission, under which we have the honor to act, for no other purpose than to inquire into the facts as connected with the conduct of an officer of your Government,—the conduct of which officer has been arraigned by the Government of Georgia at the instance of the President of the United States. In the investigation of the conduct of that officer the State of Georgia has great interest. It is of the highest importance to her that there should be a full and clear development of all the facts, which, if had, it is believed, will fully establish the several charges as preferred.

To arrive at the certainty of all these facts in the most imposing and official manner, it was considered by our Government necessary to constitute the present mission. It was further determined by the same Government to be of the first consequence that the members of that mission should present themselves, clothed in their official character, in the council of the Indians to be convened by you,—believing that in the councils

information might be elicited material to the points in issue between the State of Georgia and the Agent for Indian Affairs. For this purpose, and no other, we have been directed by our Government to repair to this place, and to inform you of the same, and to respectfully ask for admittance therein. We have done so by request only; we have not demanded it. That permission has been denied to us.

We therefore, in pursuance to our instructions, as also a proper sense of duty toward our Government, do hereby enter our formal protest against such denial,—believing that in consequence of being debarred a participation in those councils the State of Georgia will unquestionably be deprived of that which is to her of vital interest and great magnitude. June 21, 1825.

It would extend this memoir beyond reasonable limits to give an abstract of the correspondence between the Georgia Commissioners and the agents of the General Government, some of which was racy enough. Col. Samuel Rockwell, as counsel for Col. Crowell, was present at some, if not all, of the examinations of witnesses for the State. The interrogatories were generally in writing, and the answers were specific. A great deal of testimony was collected in this way,—much to inculpate the Agent, and some to sustain or discredit certain witnesses, as the interest of the party, or the occasion, might require. The report of the Commissioners, embodying all this matter, letters, affidavits, and examinations, formed about one hundred pages in print,—all of which was laid before the Legislature by Gov. Troup and a copy forwarded to the President. In what degree the character of the Agent was affected by the evidence, or whether the President erred in retaining him in office, the author expresses no opinion, as President Adams, Gov. Troup, Gen. Gaines, and Col. Crowell are all dead, and charity forbids that reproach should be cast on the memory of those who cannot repel what may be unjust.

As a specimen, however, of the indiscretions into which men of high position were betrayed, three affidavits are here copied from the documents in question,—two relating to the conduct of Gen. Gaines, and the other proving conclusively that, if the Alien and Sedition Laws passed under the administration of the first President Adams had been in force on the 4th day of July, 1825, or thereabout, Col. Williamson, one of the Georgia Commissioners, would have been liable to a criminal prosecution for *defamatory words* concerning the second President Adams:—

PRINCETON, INDIAN NATION :

Personally appeared John Winslett, before me, Thomas Triplett, Acting Agent for Indian Affairs, who, being duly sworn, says that on Saturday last, the 2d inst., at a house occupied by a negro of Chilly McIntosh, who

had whiskey for sale, William W. Williamson, one of the Commissioners from Georgia, in a conversation with this deponent and others, consisting of Benjamin Hawkins, Josiah Gray, Indians, who understood English, Samuel B. Nichols, Isaac Burns, Nelson Kent, and others, among other things asserted that he had been threatened since he had been here, but not by the red people; and, after some other remarks, he observed that the *President of the United States had acted like a damned insignificant rascal*, for taking notice of reports which had the effect of stopping the survey.

JOHN WINSLETT.

Sworn to before me, this 4th day of July, 1825.

THOMAS TRIPLETT, *Acting Agent Indian Affairs.*

Witness, T. P. ANDREWS, *Special Agent.*

The above affidavit appears among the papers attached to the address of Major T. P. Andrews, which was published in the *National Intelligencer* of September 22, 1825, in reply, as he states, to the reports of the Georgia Commissioners.

The following affidavits were part of the evidence transmitted with the special message of Gov. Troup to the Legislature, November 21, 1825:—

Affidavit of the Rev. Iverson L. Brookes.

GEORGIA, BALDWIN COUNTY :

Personally appeared before me the Rev. Iverson L. Brookes, who, being duly sworn, saith that while at the Indian Springs, in the State of Georgia, in the month of July past, on Tuesday, the 19th day of the month, he was introduced to Gen. E. P. Gaines by Maj. Joel Bailey, who keeps the public tavern at that place. After the introduction, this deponent and Gen. Gaines entered into conversation about the Indians, the treaty, and other matters connected with them, in the public room, near the outer door. Several persons were present,—principally white men, and a few Indians of the friendly or McIntosh party. In that conversation General Gaines stated, in speaking of the possessions of the United States beyond the Mississippi, that the General Government possessed no lands in that quarter free from the encumbrance of Indian titles or the occupancy of white settlers, who could not be removed without entering into formal treaties. He further said it was the most heels-over-head piece of business in the General Government that, perhaps, ever occurred in the conduct of wise men, to engage by treaty with the Indians to exchange with them territory when they had none to exchange.

In speaking about the treaty, he stated that in regard to the treaty he thought he had sufficient evidence in his possession to convince him that the commencement and whole process of it was founded in the deepest fraud and treachery, and that every individual concerned in it was damned: he paused a while, and then said, politically damned. In conversing further about the treaty and the land, after making some remarks not particularly recollected, he turned to the Indians who were present, and said, *I tell these Indians the white people will cheat them out of their lands, get all their money, and then kick them to hell!*

In speaking about Crowell, he stated he believed him a pure and up-

right man; that he had done more than his duty, and the only thing he blamed him for was signing the treaty as a witness, and that he (General Gaines) would rather have lost his right arm than to have done it. Talking of the Indians, he said they were disposed to be reconciled and return to the nation, except Chilly McIntosh and the small party attached to him; that he did not care whether he did or not,—that he was no chief, and had plenty of property to live either among the Indians or whites. He further said that the people of Georgia were a reflecting people; that they were under the influence of intriguing politicians, and that he had no doubt they would ultimately approve his conduct. This deponent further saith that the conversation was a long one, and during its continuance General Gaines was occasionally highly excited, and spoke with much warmth,—so much so toward the conclusion as to induce this deponent to break off rather unceremoniously and turn to Major Bailey to settle his bill.

I have endeavored to recollect as well as I can the expressions of General Gaines: though in some cases I may have used different words, I am confident that I have retained the sense of them.

IVERSON L. BROOKES.

Sworn to and subscribed before me, this 17th of October, 1825.

I. T. CUSHING, *J. P.*

*Affidavit of Col. Michael Watson.**

GEORGIA, BALDWIN COUNTY:

Personally appeared Michael Watson, a citizen of the county of Houston, who, being duly sworn, saith that in the month of August last, and, he believes, on or about the tenth or eleventh day of that month, that he was at the Indian Springs, in Monroe county, in said State; that, in a conversation that was held between and among several persons then at the Springs, Gen. Edmund P. Gaines, of the United States Army, being present, the subject of conversation turned upon the late Indian treaty and the proposed survey then about to be made by the order of his Excellency George M. Troup, Governor of the State of Georgia. He (Gen. Gaines) stated, in public company, that if Gov. Troup made the survey or attempted it, that he would be tried for treason and hung; that General Gaines also stated that Governor Troup and his friends were intriguing demagogues; that in the same conversation General Gaines manifested and expressed much warmth of hostile feeling toward Governor Troup and his friends.

The conversation was boisterous in some respects; and it excited much warmth of feeling in the spectators and those concerned, that the whole of General Gaines's conversation and observations were directed against the constituted authority of Georgia and the supporters of her administration.

MICHAEL WATSON.

Subscribed and sworn to before me, this 10th day of November, 1825.

ELI S. SHORTER, *J. S. C.*

In his annual message of November 8, 1825, Gov. Troup says:—

* The affidavit of the Hon. C. B. Strong, laid before the Legislature by Gov. Troup in the same message, will be found in the memoir of Judge Strong, vol. ii. of this work.

The President having ultimately resolved to refer the treaty to Congress for reconsideration because of alleged intrigue and treachery in obtaining it, the resolution adopted by the Executive to prosecute the survey under the act of the Legislature of the 9th day of June last was changed, and the change immediately communicated to the President. It would be uncandid, fellow-citizens, to disguise that, but for the proposed reference to Congress, the survey would have been commenced and prosecuted.

The treaty was not set aside by Congress or in other respects annulled, although a new treaty had been formed by the Secretary of War, to which the authorities of Georgia paid no attention, but proceeded to survey and distribute the land under the old treaty, with which Col. Campbell's name is honorably identified. The Legislature voted him the confidence and gratitude of the people of Georgia; and surely that was a proud compensation for the temporary injustice which had been done him by the agents of the General Government, who seemed to have acted more like retained counsel for the hostile Indians than as seekers of truth on which to render an unbiased judgment.

As the author never saw Col. Campbell, he can give no description of his efforts at the bar from his own knowledge; and, no correspondent having performed this task, very little can be added to the memoir. He was a man of talents, upright and agreeable in his social relations, long a trustee of the University of Georgia, the warm friend of popular education; and, had he lived, there is no doubt he would have been called to the State Executive. He was the political friend, as he was the brother-in-law, of Gen. John Clark, both having married sisters of Col. William W. Williamson, one of the Georgia Commissioners. Col. Campbell died on the 31st of July, 1828, in the forty-second year of his age. A quotation from Gov. Gilmer* will conclude the memoir:—

Col. Campbell had none of the rowdy habits of the North Carolina Wilkes settlers. He avoided violence, and was courteous and kind to everybody. Though his talents were not of the highest order, nor his public speaking what might be called eloquent, he was among the most successful lawyers at the bar and useful members of the Legislature. He was very industrious, and ever ready to do the part of a good citizen. The amenity of his temper was constantly shown in the delight which he derived from pleasing the young. His house continued, as long as he lived, to be one of their favorite resorts.

Col. Campbell's son John gave early proofs of the extraordinary acumen which has since made him the great lawyer of the South. Whilst he was a student of Franklin College, his father visited Athens, and was invited to attend a meeting of the Demosthenian Society, of which both

* Georgians, p. 208.

father and son were members. Col. Campbell held forth by request upon the topic of debate. When he was done speaking, John asked leave to answer the gentleman, and so knocked all his father's conclusions into *non sequiturs*, that it was difficult to tell which had the uppermost in the father's feelings,—mortified vanity or gratified pride. John Campbell has lately been appointed an Associate Judge of the Supreme Court of the United States,—the highest honor, except that of Chief-Justice, which can be conferred by the Government upon a lawyer. All who know him concur in the opinion that the office will be well filled.

Col. Campbell's daughter Sarah* was remarkable in early childhood for intellectual precocity, and in womanhood for superior attainments. She married Daniel Chandler, one of the handsomest and very cleverest young men of Georgia. He removed to Alabama, where he has long practised law with distinguished success.

NOTE TO THE MEMOIR.

As Mr. Justice Campbell, of the Supreme Court of the United States, has been aptly introduced in the work of Gov. Gilmer, the author begs leave to subjoin a sketch of that distinguished jurist, which was first published in the *Monitor* of March 8, 1843, among "Heads of the Alabama Legislature," which the author prepared for the press. This is the more appropriate, because Judge Campbell obtained license to practise law in Georgia under a special act of the Legislature, in 1829, of which the following is the caption:—

An act to admit David J. Bailey, of Butts county, Hiram Hemphill, of Lincoln county, JOHN A. CAMPBELL, of Wilkes county, Gray A. Chandler, of Warren county, Robert McCarthy, of Monroe county, William A. Black, of Chatham county, and Robert Toombs, of Wilkes county, to plead and practise law in the several courts of law and equity in this State.

HEADS OF THE ALABAMA LEGISLATURE.

Mr. CAMPBELL, of Mobile, is generally considered a man of the clearest and most vigorous intellect in the House of Representatives. He was a member six years ago, and had great influence in maturing the relief law at the called session of 1837. Indeed, the adoption of that measure is said to have been owing almost entirely to his arguments for its necessity. As he rarely deals in generalities when he has a point to accomplish, he on that occasion took up the productions of the State compared with the indebtedness of the people, and proved, beyond any reasonable doubt, that an extension of bank-debts and a fresh loan of five millions for circulation would enable the industry of the people to cancel all their embarrassments by the time the loans became due. This was a mode of stating the question which no experience at that time could gainsay; and the proposition of relief, in its broadest form, ripened into a statute. Whatever miscel-

* The late David B. Butler, Esq., of Macon, also married a daughter of Col. Campbell.—M.

culatation or error may have existed as to the principle, no one has ever suspected the perfect sincerity of Mr. Campbell in the part he acted. He was governed by a spirit desiring only the public good, and perhaps he is as ready now to admit that the plan was unsuited to the emergency as its strongest opponent at the called session. In those days there prevailed a public delirium on monetary affairs. All heads had run wild with adventure, and all minds were intent upon the remedy of expansion. What the result has been, every man's experience is the most conclusive testimony.

We have adverted to this chapter in the public life of Mr. Campbell, not for the purpose of judgment, but merely in illustration of that peculiar and convincing power of argument with which he is eminently gifted. At the late session, Mr. Campbell, as chairman of the Bank Committee, was looked to for that platform in relation to the currency and the engagements of the State which his superior information on that subject and his known habits of labor so well qualified him to present. A mass of documents unprecedented for variety and extent in the Legislature, which required close investigation and much time to reduce into system, was referred to the committee. On all these Mr. Campbell bestowed the most searching examination, and made a report not less able than it was comprehensive and satisfactory. The entire action of the House was directed in the main, though not in exact detail, by the suggestions of that paper and the bills which accompanied it. The foundation having been thus laid, a superstructure was afterward raised, not in every respect suitable to Mr. Campbell's taste,—though he submitted, after a hard and valiant contest, with manly deference, to overpowering numbers.

Our position as reporter in the House enabled us to record much of the transactions of that body, and also to make our readers acquainted with its business-men. Among these Mr. Campbell stood foremost. On some occasions his masterly powers were exhibited with a cogency of argument which, if it did not command assent, was at least unanswered. His strong efforts (and he seldom makes any other) were listened to with a depth of attention which was accorded to very few speakers in the House. To the character of a statesman and political financier Mr. Campbell unites the highest honors of the law. In the Supreme Court, if he is not without a rival, he at least is without a superior.

For a man of his talents, reputation, and general advantages, Mr. Campbell is singularly inattentive to his personal appearance and to those common social blandishments which are valued not the less in public than in private life. He is cold, taciturn, reserved,—not the least symptom in his manners that he courts society,—absorbed in thought, with heavy brow, yet unassuming expression of countenance. At times he is pleasant, and always respectful when it becomes necessary for him to converse. He is said by some of his political opponents to be an artful man in his own way,—that he can drill his party and arrange the order of action with much skill. We have no authority to deny this charge, other than to state, if it be true, the usual mode of judging men fails in relation to Mr. Campbell. There is a total absence of all art in his looks and movements; though some writer has said that it is the consummate office of art to conceal art and thereby make it the more successful.

He seems to hold all elegance and imagination in utter contempt, as unworthy a practical man. As a member of the Democratic party, he stands alone in Alabama for greatness of conception in all that relates to our

political system. We do not say that he has never fallen into error of opinion; we cannot ascribe to him infallibility; but, as an honest man in the most extensive signification of the term, Mr. Campbell enjoys universal respect and confidence. He is a native of Georgia, and son of the late Col. Duncan G. Campbell, a distinguished citizen of that State. Mr. J. A. Campbell is probably thirty-eight years of age.

VI.

AUGUSTIN S. CLAYTON.

THIS distinguished man has written his own history at the bar and in the many situations which he has filled worthily to himself and usefully to the public. With regard to his ancestors, his nativity, education, and early life, something will be said in another part of this memoir. The usual course will be somewhat varied, by proceeding at once to the manhood of AUGUSTIN SMITH CLAYTON and following him in his career of activity.

In 1810 he was twenty-seven years of age when selected by the Legislature to compile the statutes of Georgia from 1800. This work he completed, and soon afterward prepared a volume of Forms for Justices of the Peace and other public officers, with the common and statute law applied to the duties of each. It had a large circulation, being the first of the kind in Georgia. With careful revision by L. Q. C. Lamar, Esq., another edition went through the press, a few copies of which may still be found in the offices of some of the older members of the bar and magistrates.

His rank in the profession caused him to be elected a judge of the Superior Court in 1819, when there was a little more *aristocracy of merit* in fashion than the popular taste now chooses to patronize for judicial dignities or other high employments, and was re-elected in 1822. Besides performing the labors of his circuit faithfully and with much reputation, Judge Clayton contributed to the press many profound articles on the sources of Federal power, the sovereignty of the States, our Indian relations, and all that class of topics which divided the people of Georgia into two great political parties, designated as Troup and Clark, after the competitors for the Executive. The communications signed "Atticus," sustaining Gov. Troup and his measures, push-

ing the doctrine of State sovereignty far ahead of any previous avowals by politicians, were masterly performances, and exerted great influence over public opinion. Troup was elected Governor by the people in 1825; but the Legislature contained a majority of Clark men. The consequence was that Judge Clayton was not re-elected, though a candidate. He was succeeded by the Hon. William H. Underwood, as Judge of the Western Circuit. In 1828, he was restored to office; and during his term the great disturbances took place in the Cherokee nation, which taxed his energy of character and judicial firmness to an extent of which some details will be given.

In 1829, the Legislature extended the laws of Georgia over the territory occupied by the Cherokee Indians within the limits of the State, annexing it to the jurisdiction of certain bordering counties, by which the Western Circuit embraced a share.

Passing over the mania which drew hundreds of adventurers from all quarters—home and abroad—to trespass on the public lands in search of gold, so that Gov. Gilmer was induced to convene the Legislature in 1830 several weeks in advance of the usual time, only two or three principal cases with which Judge Clayton became officially identified are here noticed. One of these was the Indian Tassels for killing another Indian; a second was the case of Butler and Worcester, two missionaries who continued to reside in the nation contrary to law, which made it a penitentiary offence for any white person to reside among the Indians without first taking an oath of allegiance to the State of Georgia, except public agents. The third difficulty arose by an attempt on the part of the Cherokees, through their counsel, Mr. Wirt, to assert their independent national character before the Supreme Court of the United States against the alleged usurpation of Georgia. Mr. Wirt wrote a letter to Gov. Gilmer, suggesting the propriety of making a case by consent, the purport of which was communicated by Gov. Gilmer to Judge Clayton, under date of July 6, 1830. The following is the closing paragraph of Gov. Gilmer's letter* to Judge Clayton:—

There is, too, no probability that the State of Georgia would submit to the orders of the court if it should determine that the laws of the State in relation to the Indians were void. It is therefore important that no case should be transferred from the courts of the State to the Federal courts. I have been induced to write thus freely and fully, because it is understood at Washington City that you are desirous that the Federal court should assume the jurisdiction of determining the extent of the

* Georgians, p. 357.

right of the State to govern its Indian people. I have no doubt but that the opposition are very desirous of bringing that question before the Federal court, in order to keep up the resistance of the whites and the half-breeds to the removal of the Cherokees. Our lawyers ought to know the object of the opposition, and refuse to be concerned in such a case.

At August Term, 1830, of Clark Superior Court, in his charge to the Grand Jury, Judge Clayton said:—*

Besides the fact officially announced in the council of the Indians lately assembled, I have received information from the Executive branch of this Government that counsel have been employed by the Cherokee nation to raise, for the adjudication of the Supreme Court of the United States, the question "whether the State has a right to pass laws for the government of the Indians residing within its limits." Now, without intending the least disrespect to that court, to whose Constitutional authority this and all other State courts will, I hope, cheerfully submit, this question can never go up from a court in which I preside until the people of the State yield it, either from a conviction of error, ascertained by their own tribunals, or the more awful sense of their weakness to retain it.

Again, in another part of the same charge, he says:—"So long, however, as the law remains unrepealed, the country has a very solemn pledge that it shall be faithfully and impartially administered so far as I am concerned. I only require the aid of public opinion and the arm of the Executive authority, and no court on earth besides our own shall ever be troubled with this question."

Though Georgia *declined* obeying the mandate of the Supreme Court citing her to appear before that tribunal, the case of the Cherokee nation was submitted and determined, after solemn argument for the plaintiffs.† The Indian Tassels, who was convicted of murder, sought the protection of the Federal courts in vain. Sentence was executed in defiance of an informal service of process, and *no collision between the two sovereignties* was produced thereby.‡ The missionaries§ also tried their fortunes in the Supreme Court, and failed to obtain their liberation; whereupon the subject was brought before Congress, in June, 1832, on a memorial from Dutchess county, New York, by Mr. Pendleton, to authorize their discharge by *habeas corpus*,—which was laid on the table in the House of Representatives by a vote of 105 to 57. Judge Clayton was a member of the House at the time, but from a proper sense of delicacy did not speak on the question. The rights of Georgia were ably vindicated by her other sons on the floor, and among them the Hon. Henry G. Lamar and the late

* P. Clayton's pamphlet, p. 9.

‡ Georgians, p. 373.

† 5 Peters's Rep. p. 1.

§ 6 Peters's Rep. p. 515.

Hon. Thomas F. Foster, both of whom replied to the assaults on Georgia.

It is only an act of justice to the liberality of the Executive to say that, when the twelve men who had been convicted in Gwinnett Superior Court, at September Term, 1831, for illegal residence in the Cherokee territory, arrived at the penitentiary, and before they were imprisoned, Gov. Gilmer* offered them all a full pardon if they would give assurance not to violate the law again. They all accepted the terms and were discharged, except Worcester and Butler, who preferred suffering as martyrs to their principles,—as they assumed by their obstinate course.

A little anecdote went the rounds of the newspapers at the time, in substance that Judge Clayton attended church in Philadelphia on the Sabbath, when a very earnest prayer was offered by the minister in behalf of the poor missionaries imprisoned in Georgia, and for the *cruel judge* who passed sentence of condemnation upon them! Little did the minister and audience suspect that the “cruel judge” was present and heard the prayer, and who, no doubt, heartily joined in the supplication.

As the case of the missionaries excited much attention, a more particular notice is here given of the proceedings: The defendants, Elizur Butler and Samuel A. Worcester, were indicted at September Term, 1831, of Gwinnett Superior Court, for the offence of residing in that part of the Cherokee nation attached by the laws of Georgia to said county, without a license or permit, and without having taken the oath to support and defend the Constitution and laws of the State of Georgia, as required by the act of the Legislature passed December 22, 1830. They severally pleaded to the jurisdiction of the court. The following extract shows the nature of the pleas:—

And the said Samuel A. Worcester, in his own proper person, comes and says that this court ought not to take further cognizance of the action and prosecution aforesaid, because, he says, that on the 15th day of July, in the year 1831, he was and still is a resident in the Cherokee nation; and that the said supposed crime or crimes, and each of them, were committed, if committed at all, at the town of New Echota, in the said Cherokee nation, out of the jurisdiction of this court, and not in the county of Gwinnett, or elsewhere within the jurisdiction of this court. And this defendant saith that he is a citizen of the State of Vermont, one of the United States of America, and that he entered the aforesaid Cherokee nation in the capacity of a duly-authorized missionary of the American Board of Commissioners for Foreign Missions, under the authority of the

* Georgians, p. 421.

President of the United States, and has not since been required by him to leave it; that he was, at the time of his arrest, engaged in preaching the gospel to the Cherokee Indians, and in translating the Sacred Scriptures into their language, with the permission and approval of the said Cherokee nation, and in accordance with the humane policy of the Government of the United States for the civilization and improvement of the Indians; and that his residence there for this purpose is the residence charged in the aforesaid indictment; and this defendant further saith that this prosecution the State of Georgia ought not to have or maintain, because, he saith, that several treaties have from time to time been entered into between the United States and the Cherokee nation of Indians, to wit:—

At Hopewell.....	November 28, 1785,
Hólston.....	July 2, 1791,
Philadelphia.....	June 26, 1794,
Tellico.....	October 2, 1798,
Tellico.....	October 25, 1804,
Tellico.....	October 27, 1805,
Washington City.....	January 7, 1805,
Washington City.....	March 22, 1816,
the Chickasaw Council-House.....	September 14, 1816,
the Cherokee Agency.....	July 8, 1817,
Washington City.....	February 27, 1819,

All which said treaties have been duly ratified by the Senate of the United States of America; and by which treaties the United States of America acknowledge the said Cherokee nation to be a sovereign nation, authorized to govern themselves and all persons who have settled within their territory, free from any right of legislative interference by the several States composing the United States of America in reference to acts done within their own territory; and by which treaties the whole of the territory now occupied by the Cherokee nation, on the east side of the Mississippi, has been solemnly guaranteed to them; all of which treaties are existing treaties at this day, and in full force.

The plea alleges other matter to render void the action of the Georgia Legislature over the Cherokee Territory, and thus concludes:—

Therefore this court has no jurisdiction to cause this defendant to make further or other answer to the said bill of indictment, or further to try and punish this defendant for the said supposed offence or offences alleged in the bill of indictment, or any of them; and therefore this defendant prays judgment whether he shall be held bound to answer further to said indictment.

Judge Clayton, who presided at the trial, overruled the plea, and, upon hearing the evidence, the defendant was convicted by the jury. The following order or sentence was then passed by the court:—

The State vs. B. F. Thompson and others. Indictment for residing in the Cherokee nation without license. Verdict, Guilty.

The State *vs.* Elizur Butler, Samuel A. Worcester, and others. Indictment for residing in the Cherokee nation without license. Verdict, Guilty.

The defendants in both of the above cases shall be kept in close custody by the sheriff of this county until they can be transported to the penitentiary of this State; and the keeper thereof is hereby directed to receive them and each of them into his custody, and keep them and each of them at hard labor in said penitentiary for and during the term of four years.

A writ of error was allowed by Associate-Justice Baldwin, and a mandate issued to the State of Georgia to show cause why the judgment of the Superior Court should not be reversed by the Supreme Court of the United States, which mandate was served on Gov. Lumpkin and on Charles J. Jenkins, Esq., Attorney-General, returnable on the second Monday in January, 1832. The exemplification of the proceedings in Gwinnett Superior Court was certified on the 28th day of November, 1831, by John G. Park, Esq., the Clerk. The State authorities paid no attention to the mandate, and declined appearing in the appellate court.

The case was argued for the plaintiff in error by Messrs. Sargeant, Wirt, and E. W. Chester. The last point taken was,—

4. That the indictment, conviction, and sentence, being founded upon a statute of Georgia which was unconstitutional and void, were themselves also void and of no effect, and ought to be reversed.

The opinion of the court, delivered by Chief-Justice Marshall, was very elaborate, reviewing all the authorities, with conclusion:—

It is the opinion of this court that the judgment of the Superior Court for the county of Gwinnett, in the State of Georgia, condemning Samuel A. Worcester to hard labor in the penitentiary of Georgia, for four years, was pronounced by that court under color of a law which is void, as being repugnant to the Constitution, treaties, and laws of the United States, and ought, therefore, to be reversed and annulled.

The same judgment was given in the case of Elizur Butler, plaintiff in error, *vs.* The State of Georgia, and a special mandate was ordered to the Superior Court of Gwinnett county to carry the judgment of the Supreme Court into execution.

Again the State authorities heeded not the judicial thunder from Washington City, and the missionaries were kept in prison, working out their term, until at length they notified the Governor that they had abandoned their cases in the Supreme Court, and all expectation of relief from that quarter, and threw themselves on the clemency of the Executive. Georgia having vindicated her sovereignty, and no sign of opposition to the exercise of her rights

appearing from any quarter, Gov. Lumpkin but reflected the wishes of his constituents when he granted a pardon to these misguided men and set them at full liberty.

Butler and Worcester returned to the Cherokee nation, resuming their missionary labors, and when the Indians removed they accompanied them to the West, where, in all probability, they still reside. To show the work they were engaged in some ten years ago in the Cherokee nation west of the Mississippi, a report from Mr. Worcester to the United States Agent is here introduced, from Document No. 4 (p. 360) of the House of Representatives, which accompanied the President's Message to Congress in 1846:—

PARK HILL, August 18, 1846.

SIR:—In reply to your communication of July 3, received August 12, permit me to say, first, in regard to the number of preachers in the Cherokee nation, under the care of the American Board of Commissioners for Foreign Missions, there are at present,—

Missionaries.—Rev. Elizur Butler, M.D.,* at Fairfield,
Rev. Worcester Willey, at Dwight,
Rev. S. A. Worcester, at Park Hill—3.

Native Preachers.—Rev. John Huss, at Honey Creek,
Rev. Stephen Foreman, at Park Hill—2. Total, 5.

Rev. D. S. Buttrick still resides at Dwight, but has asked and received a dismission from the service, being in very feeble health.

The numbers of churches under the care of the missionaries of the same board, as nearly as known, are,—

Church at Dwight	45
Fairfield.....	88
Park Hill.....	35
Mount Zion.....	30
Honey Creek.....	51
Total.....	249

The only schools at present under the care of the board, in the nation, are a female boarding-school at Dwight, and neighborhood schools at Fairfield and Park Hill. The last-named has, for some time past, been partly supported by tuition-fees from the scholars. Respecting the schools at Dwight and Fairfield, you will, I suppose, receive information from the missionaries at those stations. The school at this place the past year has had only about 33 scholars in all, attending more or less. Average about 16. Five were whites, (four of them my own children,) the rest Cherokees.

You are aware, I suppose, of the existence of the printing-press under

* Dr. Butler died at Van Buren, Arkansas, February 4, 1857, aged sixty-two years.

my care at this station. Since my last report to your predecessor in office, which was dated July 18, 1845, we have printed,—

In the Cherokee Language,

	PAGES IN ALL.
The Cherokee Almanac for 1846,	
half English.....12mo.....36 pp.....1000 copies...	36,000
Cherokee Primer, fifth edition.....24mo.....24 pp.....5000 “	...120,000
Sermon and Tract.....24mo.....24 pp.....5000 “	...120,000
	276,000

In the Choctaw Language,

Regeneration, Repentance, and Judgment 12mo, 28 pp., 2000 copies...	56,000
Salvation by Faith, and other pieces.... “ 12 pp., 2000 “	... 24,000
Fraud Detected and Exposed..... “ 9 pp., 2000 “	... 18,000
Choctaw Arithmetic..... “ 72 pp., 2000 “	...144,000
Choctaw Spelling-Book..... 18mo, 36 pp., 1000 “	... 36,000
Choctaw Spelling-Book..... “ 108 pp., 1000 “	...108,000
	386,000

In the Creek Language,

Muscogee Catechism.....24mo, 31 pp., 600 copies...	18,600
Total pages.....	680,600

We have prepared at this station, and had printed in Boston, a Singing-Book in the Cherokee language, consisting of 88 pages, 8vo, 600 copies.

Very respectfully, yours,

S. A. WORCESTER.

Colonel JAMES MCKISSICK,

United States Agent for the Cherokees.

In November, 1831, the Troup party, to which Judge Clayton belonged, had a majority in the Legislature, and of course the power of electing judges for all the circuits, except one or two which had to be chosen at another session. Owing to some decision which he had made, sustaining the right of the Indians to dig gold on the lands to which their possessory title had not been extinguished, he rendered himself unpopular, and he was superseded in office by the Hon. Charles Dougherty. There is no doubt that Judge Clayton was intensely mortified at his defeat. He felt conscious of having acted right, according to his honest convictions of duty, without regard to the caprice or interest of lottery-speculators or other classes, who considered it almost a crime to allow that the Indians had any rights at all in competition with the desires of the white man. It was not in the nature of Judge Clayton to hesitate between principle and expediency. The latter had to yield at any cost, as became a virtuous man and upright judge.

The confidence and respect of his political friends did not in the least abate, though he was not continued on the bench. There being a vacancy in Congress caused by the resignation of Gov. Lumpkin, they nominated him to fill it, and he was elected. A new

career was thus opened to him, in which he acquitted himself with distinguished ability. The two leading measures which engaged most of his attention in the House of Representatives were the Tariff and Bank of the United States. His course on both will briefly appear in these pages.

While the bill proposing a reduction of duties on imports was under consideration in the House of Representatives, June 10, 1832, Judge Clayton offered an amendment to the effect,—

1. That, after the first day of January, 1835, all duties should be *ad valorem*, and for no other object but *revenue*.

2. That, for the first year, all duties above should be reduced to 35 per cent.; for the second, 25; and after that they should be regularly 15 per cent., until altered by law.

3. That, for the purpose of constitutionally and equally protecting manufacturers, Congress should freely give its consent to any State that chose to manufacture to lay such duties as it might deem necessary to encourage that business within its own limits upon any imports or exports to or from any foreign nation: *Provided*, such duties were paid into the Federal treasury.

He at the same time delivered a carefully-prepared speech, filling a pamphlet of more than forty pages of large size. In the first paragraph he remarked:—

Mr. CHAIRMAN:—The question before us is *an important one*; and if appreciated in the degree of its profound interest, and the still more absorbing character of its probable results, it involves a responsibility too big for utterance. To my mind, admonished by facts, and warned by the feelings of the country, I am almost tempted to predict that, unless an auspicious issue attends the present deliberations, they are the last that will ever engage the attention of this body within these walls. It is not now a question of dollars and cents, but of LIBERTY and EQUALITY. Every thing done on this occasion will soon be delivered over to history, and he who now stands by the cause of freedom, posterity will stand by him. A fame of enduring honor awaits the firm, and a name of lasting infamy shall follow the faithless.

Judge Clayton then proceeded to examine the powers of the Federal Government, resorting copiously to the fathers of the Constitution and other statesmen of that day. He denied that burdens could be imposed on one section of the country for the benefit of another section. His arguments were searching, and well supported by authority. To abridge them would be unjust, and to insert them entire would occupy too much space in this memoir. After showing the unconstitutionality and injustice of a tariff for protection, and enumerating the grievances of the South, Judge Clayton said:—

These are the oppressions of which I promised to speak, and which rise superior to all law, and would of themselves, though they violated no written principle of the Constitution, justify a people "in the pursuit of life, liberty, and happiness" to provide themselves with new forms of government. I stated in a previous part of this argument that an admission on the part of our adversaries that the consumer pays the tax would be sufficient for my purpose in establishing the great inequality of the burdens, and that it rested upon the Southern people. I think I have made out the case. I will now attempt to show what is very much disputed,—that the producer pays the tax, or that the coincidence between the producer and consumer is so little variant as to make no sensible difference in the two characters.

I shall show it in three relations: first, in that of an individual, secondly, as a family, and, lastly, as a whole country; and I shall select the article of cotton for the illustration. If all the cotton of the South, which is said to be one million of bales, was made by one individual, and he were to carry it to Liverpool, sell it for cash, (say \$30,000,000,) lay it out in goods, and bring them to this country, he would have to pay one-half in duties. This, however, it is said, returns to him when he sells out the goods to the various consumers. But as money, which is the only free-trade article in the world, is as much property as goods, and as liable to taxation, suppose, instead of bringing back goods, the individual should bring back the proceeds of his cotton *in cash*, and should find a duty upon that as well as goods: does not every one perceive that his fifteen millions of taxes would go into the public treasury without the hope of any future recovery, and consequently, as producer, he will have paid the tax on the whole of that article? Now, that same result would run through the sales of all the planters if they sold the cotton themselves, and paid the tax on their money instead of paying it on the articles they consume.

2. I intend that the consumption of a family whose head is a producer extends to all persons that draw upon his produce for any services rendered him. That is to say, his blacksmith, tailor, carpenter, school-master, shoemaker, physician, and indeed all whose labor he has employed, are as much his family as if they lived in the same house with him, and, to the extent of their several demands against him, are, with him, not only consumers, but producers; for his production constitutes a part of their production, and with it they purchase their articles of consumption. By reason of this connection, unless the producer has a balance left after defraying the expenses of his family, he is the payer of all the taxes to which his crop has been applied. And who, I would ask, in any part of the South, is able, under such a burden of duties, to meet all his engagements? I know I am as economical and saving a planter as any of my neighbors, and I declare to this House, if it were not for other resources which it has been my good fortune to enjoy, my planting-interest would not have supported my family: and this, I can safely say, is the condition of thousands upon thousands.

3. The tariff-system proceeds upon the principle that the Northern manufacturer cannot labor as cheap as the English manufacturer. And what is thought to be the difference? Surely, this is indicated by the average per cent. of duties laid upon the articles which the last fabricates; and that, we have seen, is fifty per cent. Everybody perceives the American manufacturer cannot compete with the European. What is to be done? The former looks away to the South, and there finds a people

who make the raw material that supplies the latter, and for which they receive his manufactures. The Northern manufacturer immediately sets about a contrivance to cut off the trade between these two parties. What is it? By the artful device of legislation he imposes a duty of fifty per cent. on the foreign manufactures: this at once raises them to the price of his own. Now, what is the effect—nay, what is the real motive—of this measure? Is it not, first, to divert the trade from the European, and, second, to divert the raw material to the American, manufacturer? Suppose, then, it should succeed to the extent of the wishes of the friends of the tariff, that the trade with Europe should cease altogether, and every pound of cotton should go to the North: is there any man so blind as not to see that the producers of this article have not only lost their former market, where they were in the habit of getting what they wanted at half-price, but have been compelled to exchange it in another market at a loss, by way of bounty, of half its exchangeable value? By this process the English manufacturing-labor is raised to the price of the American, and actually done at the expense of the Southern planter. Then, as producers of the article of cotton, they do most unequivocally throw into the lap of the Northerner the fifty per cent. which raises the labor of the English manufacturer. Thus I have shown, as an individual, as a family, and as a country, the producer pays the taxes of imports. But, I will repeat, it is enough for us, and more than we can bear, to pay it as consumers.

It is needless for me to say that this is the effect produced upon all our valuable staples in the South; and we have now a new article of production which will be subjected to its ravenous appetite. I allude to the immensely valuable gold-mines stretching from Virginia to Alabama. Every dollar that is raised by the gold-digger—and surely no one works harder for his money—will be immediately divided with the rapacious manufacturer. Because it is gold, and almost money itself, it will not escape the fate of cotton, rice, and tobacco; for they are taken from the earth by the same hard labor, and quite as convertible into money. Little does the hard-working miner dream that, while standing in water to his knees, with a scorching sun blistering his back, every stroke which is applied to the unyielding rock presents a case in which one is for himself and the other for a Northern master.

Amplifying these views still further, Judge Clayton referred to the examination of Dr. Franklin before a committee of Parliament previous to the Revolution, in which he stated that “an external tax is a duty laid on commodities imported; that duty is added to the first cost, and other charges on the commodity, and when it is offered for sale makes a part of the price,” and then proceeded:—

The gentleman from Pennsylvania (Mr. Stewart) has said such has been the improvement of machinery in England that one million of hands can perform the labor of two hundred and fifty millions. Then, sir, just mark the consequence: if labor is multiplied two hundred and fifty fold, an article must be cheapened almost in the same ratio.

But, sir, if high duties cheapen articles, there must be a point to which, if the duties are raised, the goods will come *at nothing*. If the gentleman will sit down, and, with his immense powers of calculation, just demonstrate that exact point to my satisfaction, from that moment I am a tariff-

man: I will give up my opposition and fall into the ranks. I greatly fear, however, that it will turn out like the case of the stoves. You have all heard of the Yankee who, in describing the great advantages of his stoves to an Irishman, said, among other things, not that high taxes cheapened the article, but that they saved half the firewood. "Then," said the Irishman, "I will take two of them and save the whole."

Why is it, Mr. Chairman, if high duties cheapen articles, that so many letters from manufacturers have been read upon this floor, stating that their business will be utterly ruined if the duties are reduced? That must be a bad rule that don't work both ways. One would suppose that if you raised a duty from a given point, and the price of the article fell in consequence of it, it would surely rise up to the same price if you took the same duty off. This is a very curious matter, Mr. Chairman. Would you believe it? the country presents this singular aspect:—one portion is crying to be relieved of taxes, without which they must be ruined; while the other part bitterly complains that, if you take off their taxes, *they* will be prostrated! I would rather *guess*, meaning no offensive allusion, that this fact points to the quarter where live the tax-paying *consumers*.

This same gentleman made another remark, at which I should have felt, if not contempt, at least indignant, if I had not believed that just at that moment he became greatly shortened of ideas, and that he did not know exactly what to say, for everybody saw that he was evidently *stumped*. I mean his saying that the Southern people wanted to make the Northern free laborers slaves to their free negroes. For the reason just mentioned, I will pass over this *came-by-chance* piece of wit, and examine his doctrine as to the great difference between free and slave labor. Mr. Chairman, this distinction has been mentioned frequently on this floor, and I confess it has excited my supreme disgust every time. What do they mean? Does the offspring of that very ancestry who made not only their livelihood, but the very fortunes which now constitute the capital of the American system, by trading in human flesh,—who robbed fathers of their children, children of their fathers, husbands of their wives, and wives of their husbands, and carried them to be sold to the Southern States,—now dare to reproach me with the sin of slavery? Oh, no, sir! it cannot be! They greatly mistake the matter if they think we feel the slightest emotion at such a censure. The only wonder is how it can be made without a blush.

But, sir, I have lately been as far as Philadelphia, (for the first time in my life,) that city of brotherly love, and wish gentlemen to explain some things which I saw there, first asking them if they make any difference *there* between *free negro labor* and *free white labor*,—for these two classes seemed to perform promiscuously all the menial services. If they do, then I would beg leave to have these difficulties solved. In the hotel where I stayed a free negro waited on my table and a white man cleaned my boots: which of these was the free labor? They were both equally polite, and they both made the same *foot-scraping* bow when I gave them a quarter of a dollar. I saw in the same city a free negro mounted on the box of a coach, and a white man behind it: the latter let out the grandee which it contained at the door, while the former sat like a lord on his seat. Which was the free labor in this case? This is only one class of service.

Now, sir, I happen to know something of the *free labor* in cotton-factories. When the factory in which I am concerned first started, we had a

good old honest gentleman from the North connected with us, and we commenced chiefly with white hands. He happened to bring with him a printed copy of rules and regulations, such as are used in Northern factories, and which he wished adopted in ours. They had a striking analogy to penitentiary regulations. They required that the poor little hands should be at their work by light, should have three-quarters of an hour to eat their breakfast, an hour at dinner, should labor in winter until seven o'clock at night, should have a part of their wages remitted for any part of the machinery which they broke or injured, every skein they tangled, every five minutes they were absent,—indeed, just enough of pains and penalties to take all their wages. Besides, the *strap* was to be used if necessary. It is scarcely necessary to say, Mr. Chairman, such rules were scouted from our establishment. We soon told our friend the free people of the South would not bear that kind of regimen; indeed, it would hardly do for our slaves. Now, sir, where is the difference between this kind of labor and slave labor? I can tell you, sir, it is only in the color of the skin and the duration of the service. The same capital that buys a slave for life can hire one for a day; and, during these respective periods, the quality of the service is exactly the same.

But, sir, this very distinction serves to show what power will finally do in this matter. If, under the present tariff-system, it is boldly claimed for free labor, as it is called, a legislative privilege over slave labor, what will they not do when we begin to manufacture with our slaves? If we should be driven to this business, which I verily believe we can more profitably conduct at the South than it is at the North, will not the same power which sets up the right of preference now exact it hereafter by some discriminating tax upon slave-labor productions over those of free labor? No doubt of it. So that, if this distinction is to last, I boldly affirm we cannot live together, and the sooner we part the better.

In the speech just quoted, Judge Clayton made a statement similar to the following, respecting the profits of the factory near Athens:—

Letter from Judge Clayton to the Editor of the Globe.

MR. BLAIR:—I notice in the *Boston Courier* an extract of a letter from me in answer to one asking information on the subject of a cotton-factory in which I am concerned, for the use of the New York Convention. I regret the whole letter was not published, and ask now the favor to have it done, and especially to give its true date, for I know it was written in time for the Convention, which met in October. The letter purports to have been written on the 7th December, 1831, and the garbled extract is intended to convict me of inconsistency. There is not, however, the slightest difficulty in this thing, and I am glad the matter is so much questioned as not only to give great uneasiness to the manufacturing gentlemen, but to afford me an opportunity of exposing their long-concealed impositions. In the month of January last our company purchased out the Northern partner, which made it necessary to go into a full investigation of our concerns, and to take an accurate account of every thing we had done, which had never before been even attempted; for most of our yarns and cloths had been placed in the hands of distant agents and scattered throughout the State, from whom we had not received regular

returns. Since my arrival here I have been advised of the settlement, and the following are some of the extracts of letters on the subject.

One of the partners writes, under date of Feb. 9, 1832:—"The old gentleman hates to give up. He says we are making at the least calculation 200 per cent. clear." My son, on the 15th of April, informs me that, after much difficulty with our Northern partner, he claimed nearly twice as much as the rest conceived to be due. The affair was referred to arbitrators of his own choosing, and their award gave the following uncommon result:—

"Capital, \$4004 98—His nett profits, \$4182 78."

This included the business from about the 1st of January, 1830, up to the 1st of January, 1832.

One of the arbitrators writes, 2d of May:—"You have no doubt been informed of the settlement of the factory-business. Thereby I had a peep into your affairs, and, without publishing it abroad, I will say that beyond all doubt it is the best investment of money in Georgia, so far as I know or believe. It is a great business indeed, and increasing in profit."

By this time, I apprehend, all the inconsistency has vanished. When I wrote in *September* (as I believe) we had made no dividend, nor had we down to that time done any thing but spend money, for we kept increasing our machinery from the proceeds of the factory; but, as well as I can now recollect, that letter gives a flattering account of our future prospects, which seem to have been even "brighter" than I had anticipated. But for the purchase above mentioned we should not have known our true situation perhaps for a year to come. As soon, however, as I did know it, I was determined the world should know the truth about it; and I only wish, instead of trying to smother its effect, the example could be followed by those gentry who do not like to give up their *cent. per cent.*

I will take this occasion to correct the report of my speech, as far as it is given. I am made to say that I had "operated as a sponge upon my neighbors, and had sucked up this from their hard earnings." This is not what I said. My remarks were these: "If the capital invested by the company to which I belong, say somewhere about 30,000 dollars, has doubled itself in two years, what is the consequence?—The gentleman from Tennessee, (Mr. Bell,) who so eloquently painted the exactions and influence of wealth, and the miseries which the sudden and rapid accumulation of money must create in any community, spoke truly when he said some one must lose when another gains. Now, sir, apply this truth to the fact I have related. Thirty thousand dollars, in two years, have been soaked up as with a sponge within a certain circumference. While we have gained it, our neighbors have lost it; and though they are too generous to complain of *us*, knowing that neither our motives or feelings so enter into the system as to desire its continuance at the expense of principle, yet this is its true effect throughout this whole country. And yet it must be helped by the hard-handed labor of our honest planters, to whose fruits all other trades and professions must look for support."

A. S. CLAYTON.

July, 1832.

As a zealous opponent of the protective policy, Judge Clayton actively assisted other gentlemen who had assembled at the college commencement in Athens, August, 1832, to get up a State Convention against the Tariff. For this purpose a circular, signed by

the Hon. J. M. Berrien, A. S. Clayton, and others of the committee, was issued, inviting the people of Georgia to send delegates to an Anti-Tariff State Convention, to be held at Milledgeville in November then next ensuing; in compliance with which, primary meetings were held in most of the counties and delegates chosen. The result was the assemblage of delegates from sixty counties (four-fifths of the whole number in the State) in a deliberative body distinguished for intellect and high moral position, over which Gov. Gilmer presided. A list of delegates and a more particular account of its proceedings may be seen in another part* of this work. The Committee of Twenty-One, to report matter for action, consisted of Messrs. Blackshear, Berrien, Forsyth, Cumming, Clayton, Cuthbert, Gamble, Reese, Spalding, Tait, Rockwell, Beall, of Bibb, Taylor, of Burke, Bailey, Warner, Dawson, Haynes, Gordon, of Putnam, Clark, of Henry, Janes, and Harris.

Most of these names are well known to the public; several belong to fame.

Judge Clayton had another opportunity of assailing the Tariff, at the great State-Rights meeting in Milledgeville, November 13, 1833, over which the Hon. C. B. Strong presided. Hon. N. C. Sayre and Hon. A. B. Longstreet were the Secretaries. On motion of Judge Clayton, it was

Resolved, That a committee of thirteen be appointed by the chairman, to prepare resolutions expressing the sentiments of the State-Rights party in this State, and report to this meeting at its sitting.

The following gentlemen were appointed the committee:—Judge A. S. Clayton, Judge William H. Crawford, Dr. W. C. Daniell, Col. Seaborn Jones, R. W. Habersham, D. P. Hillhouse, Col. S. Rockwell, Col. A. H. Chappell, Col. Geo. H. Young, Gen. R. A. Beall, Col. Newton, Gen. Eli Warren, and Judge Charles Dougherty.

The report of the committee was made by Judge Clayton, as chairman, condemning the Tariff, Proclamation and Force Bill, and, among other things,—

Resolved, That the present meeting be organized into an association to be denominated the STATE-RIGHTS PARTY OF GEORGIA, and recommend meetings in all the counties for the purpose of constituting similar associations to be connected with that which will be formed at Milledgeville as the central association.

Resolved, That the doctrines of the Virginia and Kentucky resolutions, as construed and understood by Mr. Jefferson, and triumphantly acted upon in 1825, '26 and '27, in this State, constitute the creed of the State-Rights party of Georgia, and that, as all unconstitutional laws are null and void, we will, whenever the proper exigency arises, resist them in any manner the sovereign power of the State may order and direct.

* Memoir of R. A. Beall.

The report was taken up by sections and agreed to. This was the first "platform" ever laid down in Georgia by a political party with a view to organization.

It is not deemed necessary to follow Judge Clayton any further in his consistent and persevering efforts to abolish a protective tariff. His sentiments have been fully announced.

His course on the Bank question will next be considered. How much earlier than 1830 Judge Clayton waged open hostility to the Bank of the United States, the author is not prepared to state; but in that year he published a very caustic review of Mr. McDuffie's celebrated report in Congress vindicating the institution. He charged that the main and most forcible arguments of the report were *plagiarized* from certain proceedings in Philadelphia adopted by the leading supporters of the bank, among whom were the best legal and commercial minds of the North. Judge Clayton knew the power of his adversary, and employed his utmost ability to overwhelm him. The review was artistically pungent, and replete with scornful declamation, as if he expected to conclude all reply. Mr. McDuffie issued his manifesto in strong but courteous language, declaring that the report was entirely his own work, and that the imputation of *plagiarism* was technically a *libel*, for which a court of law would grant him redress, if he chose to invoke that tribunal; and that he required no other expounder of the doctrine of libel than the learned jurist who had perpetrated it upon him to serve a cause. The controversy did not become personal; nor was it intended as such. The two gentlemen respected each other's character, while they warred as giants, with sword and shield, for honorable victory. They afterward served in Congress together, and the matter was no doubt forgotten. A public dinner was given to Mr. McDuffie at Athens, in 1833, at which Judge Clayton performed the civilities with his usual elegance and humor.

On the 2d of March, 1832, the House of Representatives had under consideration a resolution offered by Mr. Clayton in the following words:—

Resolved, That a select committee be appointed to examine into the affairs of the Bank of the United States, with power to send for persons and papers, and to report the result of their inquiries to this House.

The speech delivered by Mr. Clayton in support of his motion for a committee covers some forty pages in pamphlet. In the beginning, he stated that his opposition to the bank was no recent thing,—that he had been writing against it for seven years,—and he referred to the gentleman from South Carolina (Mr. McDuffie) to

bear him out in the assertion, for he had "not even spared his own far-famed report."

Upon all subjects which he discussed, Judge Clayton evinced much warmth, and at times used expressions which his friends and admirers had cause to regret. For instance, the word *italicized* by the author (a liberty which he takes with reluctance) in the following sentence is not in the very best taste; and certainly a better word could have been selected to make as strong an impression:—

When I perceive gentlemen affirming, with so much earnestness, that it is all-important to recharter the bank at this time, that it is unfair and ungenerous to assail it upon political considerations, and that the present measure is intended not so much for the purpose of faithful inquiry as to avoid the exercise of honest responsibility, I stand ready to declare, by every sanction imposed under the highest solemnity,—nay, by all my hopes of peace here or hereafter,—that my opposition to the bank is founded upon its sole, separate, naked, and individual unworthiness, unconnected with any consideration save the *dammning* influence it has already exerted, and will continue to spread, over every interest in this young and growing country.

After many allegations to prejudice the public, founded no doubt in sound policy respecting the bank, Judge Clayton said:—

I do not intend to go fully into the merits of the bank question at this time: I hope on another occasion to probe that matter to the bottom. I merely wish to explain the nature of the charges which I have brought against the bank, occasionally throwing out such reflections as are obviously connected with the facts, and well calculated to stamp those facts upon the mind with a steadfast and abiding impression. A few of those general ideas at this part of our discussion will not be unprofitable, especially as I design what I am now about to say more for the public ear than for the benefit of this House. I will candidly confess that I am extremely anxious to use my present station to speak to the people on the subject of this destroying bank, and to urge them, by every consideration which can forcibly appeal to the love of country, to a regard for their government, to a respect for liberty and equal rights, to their hatred of monopolies, to their disgust for extortion, to their horror of oppression, and their detestation of privileged orders in this happy country, to pause before they permit the continuance of an institution involving within its influence and control all the foregoing relations.

The Bank of the United States, so called to give it the advantage of a great name, is located at Philadelphia, and has twenty-seven branches scattered throughout the Union. The whole of this immense money-making machine belongs to a few privileged individuals, who have an express assurance that no similar establishment shall be erected by the General Government in the United States. These are some of the leading general principles of the institution:—

1. The mother-bank will not receive the bills of her branches without a premium.
2. The branches will not receive those of the mother-bank without the same.

3. The branches will not receive the bills of one another without the same.

Now, what is the consequence of this? These favored few have a monopoly of all the moneyed transactions of the Union. Their capital is thirty-five millions of dollars, and this they lend out at a certain interest, and then send out agents to shave their own paper. They first make a profit by lending their notes, and then a profit by paying them off at a discount. Can any practice be more dishonest? If an individual, by reason of his wealth, were to do this,—were to impose upon the necessities of his poor neighbor to whom he had given his note, by shaving it afterward,—he would be justly esteemed a dishonest man. The fact is, there are principles allowed to this bank which the consent of all honest men have branded with infamy whenever practised by individuals. And it is permitted to do that with impunity which a sound morality has universally condemned in the ordinary transactions of men.

But the most intolerable privilege is yet to be told. Not satisfied with being allowed to lend and shave their own notes, the Government actually puts into their possession the whole of its revenues, amounting to twenty-five millions of dollars, to speculate upon as they may think proper. There is scarcely any man who does not know that under our system of taxation the most of it is paid by the consumers of the country; and they are generally the farmers. Commerce forms the subject of revenue, which the merchant in the first place pays, but which he afterward compels the consumer to reimburse with an increase of profit. All this flows silently and imperceptibly into the custom-house; and the Government, not satisfied with having exacted it from the hard-earned labor of the consumer by reason of a most ruinous duty upon the articles of his consumption, but they must suffer it to pass into the hands of a few highly-favored stockholders to undergo an additional process of extortion. If the collector of the revenues, the officer of the Government, were to lend out the taxes, speculate upon them after they were collected, for his own private benefit, everybody would cry out shame upon such an officer, and he would be hurled from his post with just indignation. And yet the Government directs him to pay the taxes into the Bank of the United States; and, the moment it gets there, it is set afloat in all directions upon lending and speculating contracts, and these bank gentry realize not less than six and often as high as twelve per cent. upon the burdens of the country thus drawn into their coffers.

Let us illustrate, by a familiar but striking example, this process of extortion. The collector of Charleston receives from the merchants, and they from the consumers, of South Carolina, one million of dollars in revenue he dare not use himself in any mode of speculation, but is obliged to deposit it in the Branch Bank of the United States at that place. That bank then writes a short letter in true mercantile style to a sister-branch, say in New York, something like this:—"Have to advise you of *one million* to credit of government, [the hard earnings of the poor Carolinians,] value at sight, and expect due honor." This is enough: a draft is drawn in favor of some cotton-buyer who wants funds in Charleston, at from one to two per cent., and the branch at New York makes *right off* from ten to twenty thousand dollars from the *American system* screwed hard down upon the honest Carolinians. At the same time, the same branch in New York informs her sister bank at Charleston that she too has ten millions taken in like manner, which can be drawn for in favor

of merchants of Charleston who want to purchase goods in New York. Accordingly, it is done, and the Charleston branch "pockets" from one to two hundred thousand dollars more by what would be called, on the turf, "cross-jockeying." And this operation is continually going on between the mother-bank and her branches, all over the United States, upon twenty-five millions of Government money. It is so mean and ridiculous a species of legalized swindling, that while it resembles, it is even worse than the knavery the two Dutch lawyers practised upon their unsuspecting clients when one of them wrote to the other, in true Dutch style,—

"I haf von fat goose, I saund you anoder :
You pluck de one and I'll pluck de oder."

Most people know nothing of the oppression and grinding exactions that are secretly but constantly operating upon the community by means of the monopoly granted to the Bank of the United States. Should not Congress, then, hesitate and examine, and examine and hesitate, long, very long, before they perpetuate such a blight upon the rising prosperity of this vast and growing country?

Denouncing the bank and the Tariff conjointly, and scanning with rigor the operation of both, Judge Clayton thus proceeded:—

When the old Bank of the United States wound up its business and made a final division, each stockholder had returned to him not only the amount of his shares, with eight per cent. interest per annum for the whole period of its incorporation, but he had paid to him *one hundred dollars* to the share besides; that is, his money was doubled, exclusive of the interest. There is no manner of doubt that such would be the result at the expiration of the present charter. This double amount would soon be vested in other stock, and their means of support consequently increased one hundred per cent. And, Mr. Speaker, this would be no common support, either; for I find, upon examining the list of stockholders, there are upward of forty widows who own ten thousand dollars each, and several as high as *fifty thousand*. Concerning these last I hope the gentleman [Mr. McDuffie] will give himself no uneasiness; for they can assure him, in any event of the Bank question, they will remain pretty good game for the pursuit of ANY WIDOWER whatever. But, sir, while he is manifesting such sensibility for those destitute persons, let me shade his portrait a little by a sombre color which I can employ from another class of stockholders in this same bank. The real stockholders are not *American* widows and orphans, but *British* lords and ladies, *British* naval and military officers, *British* clergymen and country squires; and, sir, for your exquisite delight, permit me to read a few of their names:—

Baring, Brothers & Co., London.....	\$791,500
The Most Honorable the Marquis of Hertford.....	100,300
The Right Honorable Sarah, Countess-Dowager of Castle Stuart.....	10,000
Sir Colin Campbell and Sir Richard Hunter.....	37,100
Right Honorable Lord Henry Viscount Gage.....	12,000
Honorable Hudson Gurney, Member of Parliament.....	50,000
Sir Robert Harvey.....	19,500

Sir William Keppel, General in his British Majesty's forces, Knight of the Grand Cross of the Order of the Bath.....	\$72,200
Major-General Maister.....	9,000
Sir George Nugent, Baronet.....	20,000
J. Packwood, of the Royal Navy.....	8,000
Sir Marmaduke Warren Peacock, Lieutenant-General, &c.....	50,000
The Earl of Beauchamp.....	15,000
Sir Gilbert Sterling.....	10,000
Lady Sarah Stuart.....	31,300
Sir Grenville Temple.....	20,000
Augusta, Countess-Dowager Von Pollant.....	4,200
The Earl of Levin.....	50,000
Major-General MacDonald.....	64,900
Lieutenant-General Sir Thomas Bradford.....	4,000
Sir William Keith Ball, Baronet.....	30,000
Lord Eric Reery.....	60,000
Mrs. Ann Redfern.....	70,160
Abel Smith, Esq.....	100,000
Sir Edward Tucker.....	50,200
Jonathan Austin, Esq.....	120,000
Major William Davis.....	20,000
Reverend Arthur Dean.....	7,000
Reverend Philip Fletcher.....	20,000
Reverend George Gordon.....	30,100
Mr. Benjamin Heywood.....	178,400
John Marshall, (London).....	123,600
James Drake.....	100,000
John Marshall.....	264,200
Lieutenant-Colonel John Maxwell.....	64,900
Sir Robert Wilson.....	15,000
Lady Rosabella Wilson.....	15,000

And last, though not least, Mrs. Candelaria Bell, \$63,700, whose fanciful and beautiful name I hope will be remembered by some gentleman of the turf when he comes to christen his next female racer. In all, upward of four hundred in number, and holding stock to the amount of eight and a half millions, besides what is in the hands of *trustees*.

After alleging great corruptions against the bank, and charging it with interference in elections, Judge Clayton closed his speech as follows:—

In conclusion, Mr. Speaker, I offer one more reflection. It is aptly said, by some writer, that the financial system of this country represents an inverted pyramid. Six thousand millions of property, and all the enterprises and interchanges of the country, resting upon sixty millions paper dollars, which are themselves depending upon about fifteen millions of specie. And all this under the *exclusive* control of one grand, regulating, central machine, whose whole operations, and all its immense profits, belong to a highly-favored few. I have done for the present; but the half has not been told which belongs to this important subject.

The resolution offered by Judge Clayton prevailed, to raise a select committee to examine the affairs of the bank; and he was

appointed chairman. In this capacity he performed a great deal of labor, and, after an inspection of the books and papers of the bank, he reported a mass of facts to Congress, with the evidence he had taken in the support of his charges against that institution. In the mean time, Congress had passed the bill to recharter the bank, which incurred the Presidential veto on the 10th of July, 1832.

In September, 1833, President Jackson issued his famous Cabinet order for the removal of the public deposits to the State banks which had been selected for that purpose. This measure met the warm approbation of Judge Clayton, who had been re-elected to the House of Representatives after his special term had expired. As it is generally known that, in his anonymous communications to the press, he was in the habit of using the signature of "Atticus," and as no other writer would likely usurp a name so exclusively the right of one who had given it celebrity by his genius, it is fair to presume that the following, which appeared in the *Georgia Journal* of May 14, 1834, was from the pen of Judge Clayton:—

"Tis strange, I vow, what difference be
'Twixt tweedle-dum and tweedle-dee."

It is an old but true saying, that "give a dog a bad name and you might as well hang him." In December, 1832, President Jackson issued a proclamation, containing certain political principles highly obnoxious to the Republican party of the South. Since that time, he has been unable to do any thing which can meet the approbation of certain politicians who have dubbed themselves with the proud distinction and honorable appellation of State-Rights men. He has been denounced as a tyrant, cursed as a traitor, stigmatized as a usurper, and, in turn, borne every epithet which the vocabulary of Billingsgate could furnish. Recently the torrent of invective has been let loose with tenfold impetuosity. For the performance of an act which he conceived was imperative upon him by his oath of office, he has been held up to public odium, by men infinitely his inferiors in moral or political honesty, as the reckless invader of the people's rights, the vile murderer of their interests, and the petty, factious tyrant who would overwhelm his country in ruin to gratify private hatred or promote unhallowed ambition. And who are the chief men that have thus poured forth such a torrent of abuse? Henry Clay, John C. Calhoun, George McDuffie. And what is the act for which he has thus been abused? The removal of the public money from the vaults of the Bank of the United States to those of the State banks,—such an act as has oftentimes before been done without a word of complaint from any quarter; such an act as was absolutely necessary for the well-being of the Government and the people; such an act as every patriot approves; such an act as would have been commended by all and objected to by only the bank and a few of its bought-up presses, if the ambition of Clay and Calhoun had not made it a stepping-stone for their ascension to the Presidency. Upon their heads, and their heads *alone*, falls all the injury the country has sustained, or will sustain, from the act.

We have heard it proclaimed from the Senate and from the House of Representatives in Congress, and reiterated by the press throughout the country, that the President had seized upon the public money, appropriated it *without* law and *against* law, and that it was now under his control, to be disposed of as his ambition or avarice might dictate. Never was there a charge more utterly false. Not *one* cent has been appropriated against the laws of Congress, nor has the President any further or greater control over it now than he has always had: his only act has been to say to the collectors of the public revenue, When you shall receive any money of the Government, deposit it in some certain State bank for safe-keeping until the Government shall call for it, instead of placing it in some branch of the United States Bank. A brief statement of the facts is alone wanting to put down *effectually* the malicious charges which have been heaped upon the character of the President for this act. By law, the public money is required to be deposited in the United States Bank, or its branches, until the Secretary of the Treasury shall otherwise direct; and, when he shall so direct, it is made his duty to communicate his reasons for the act to Congress.

At the last session of that body, so apparent was the necessity of removing these deposits from the United States Bank and placing them in the State banks, that a very large minority of the House of Representatives voted instructions to the Secretary to do so,—though they had no right to say a word to him on the subject; and all the delegation from Georgia, (we speak from memory,) save Mr. Wilde, voted for those instructions.

The reasons which induced them to give this vote were:—

1. The bank had interfered in the Presidential election by increasing its loans from January, 1831, to May, 1832, from \$42,000,000 to \$70,000,000, and that immediately before the election,—thus making a large number of people dependent upon and indebted to it, threatening them with ruin if the bank was not rechartered, petitioning Congress at that time for a renewal of the charter, compelling the President to veto the bill and thereby make as enemies those who were indebted to the bank. For such an interference in elections, Mr. McDuffie *advised*, in his celebrated bank report in 1830, that the “public deposits should be removed.” He now *acts* differently.

2. The termination of the bank charter at a short day rendered it necessary that the Government should begin another system of finance, for the purpose of carrying on its transactions so as not to embarrass the people to any extent. This was the plan adopted in 1811, when the old bank charter expired; and so happily did it succeed, that not the slightest embarrassment was felt. The President was not *then* denounced as a usurper.

3. The bank had become so much embarrassed, on account of its heavy expenditure of money in the Presidential election, that it could not pay to the Government the money which had been deposited in its vaults for safe-keeping. The Government was owing—and the money would be due at a certain time—\$5,000,000. In order to meet the debt, the money was collected and deposited in the bank. The bank converted it to its own use: when the time arrived, it was unable to pay it, but petitioned for the use for six months, it paying the interest thereon. The indulgence was granted: when the time arrived, the money still could not be paid. The Government would wait no longer; but the bank, to get further indulgence, induced the creditors of the Government not to pre-

sent their demands, and paid the interest upon them for the indulgence. If one individual had treated another in this way, would the one thus treated have put his money in the hands of the other a second time?

4. It bought up printing-presses, and loaned large sums of money to editors who were insolvent, without any kind of security, for the purpose of getting their support.

5. The bank authorized its President to expend whatever amount of money he thought proper in having printed and circulated such newspapers and pamphlets as would help to obtain a renewal of its charter; and, in 1831 and 1832, he expended for that purpose the enormous sum of \$80,000.

6. The charter forbid the bank from doing business with less than seven directors: in violation of the law, it did business continually with only five directors.

7. The Government is a large stockholder; and, for the purpose of knowing what is going on, and protecting its interests, it was entitled to five directors. In order, however, to defeat the intention of the law, and to conceal its illegal acts, the bank excluded them from any knowledge whatever of its transactions.

After the adjournment of Congress, another act, more perfidious than any which had taken place before, was committed by the bank. According to its charter, in consideration of the monopoly which it enjoyed, the bank was bound to transfer the funds of the Government wherever they might be required to be placed. The Government of France, according to a treaty with our own, was called upon to pay \$900,000. The Secretary of the Treasury drew a bill of exchange upon the French Government for that amount: the bank discounted it; but every cent of the money was left with the bank and used by it. The bank sold the bill, for a profit, in London; the purchaser presented the bill for payment to the Government of France, which was refused, from the want of funds to meet it; the agent of the bank in Paris paid the money and took up the bill, and the President of the bank at Philadelphia then demanded from the Government of the United States \$158,000 as damages which it had sustained by the failure of France to meet the engagement punctually. The bank bought the bill without advancing one cent for it, made its profits on it, and then took up the bill with the same money it had sold it for. This stupendous fraud upon the people determined the President, among other reasons, to remove the deposits. But it may be said that the Secretary alone could remove them. This the Secretary has done, and communicated his reasons to Congress. But it may be regarded as the act of the President: he wishes it to be so regarded. He is sworn to see the laws faithfully executed: the Secretary refused to execute them faithfully; the President removed him from office, and placed another there who would do so.

It is contended that the President had not the power to remove Mr. Duane from office. He certainly had the power to appoint him; and it follows, as a matter of course, if he could appoint, and was responsible for his acts while in office, he could remove him. Such has been the practice since the establishment of the Government: every administration has removed such from office as even differed in *opinion* with them, and it has never before been complained of. Mr. Duane deserves less pity for his eviction from office than any other man. He accepted the appointment of Secretary under a full knowledge of the intention of the adminis-

tration in reference to the deposits, and stated to the President, should his own opinion not agree with the administration, he would either resign or remove them as an executive order or act. But when called upon, notwithstanding the bank had most insultingly outraged the laws, and he pledged to the President to do so, he both refused to remove the deposits or to resign. The President owed it to the country to have no such dishonorable man in his Cabinet. He was therefore removed. The only thing which remained to be complained of is that the act was unprecedented. Is this so? No less than five Secretaries have done similar acts. During the administration of Gen. Washington, Mr. Hamilton, Secretary of the Treasury, made his deposits not only in State banks, but even made the breeches-pocket of Mr. Habersham, of Georgia, the depository of the public money collected in this State.

In February, 1811, Mr. Gallatin, Secretary, removed the deposits from the old United States Bank to the State banks; and the only reason he assigned was, that, the charter being about to expire, such a course was necessary for the well-being of the Government. Congress sustained his reasons.

In December, 1815, Mr. Dallas, Secretary, makes his deposits in the State banks.

In December, 1819, Mr. Crawford withdrew the deposits, in part, from the United States Bank and placed them in the State banks.

In May, 1817, he refused to deposit in the United States Bank, because it would not receive the bills of certain local banks in Virginia. In the same year he made large deposits in the Bank of Vincennes, and in other Western banks. In 1819, he selected three State banks situated in places where there were branches of the United States Bank, and deposited in them. From March, 1817, to October, 1821, he transferred funds *from* the United States Bank and deposited them in forty-eight State and local banks.

In August, 1825, Mr. Rush, Secretary, under Mr. Adams, made his deposits in the Bank of Mobile, directly under the eye of the United States Bank.

In August, 1827, he drew money from the United States Branch Bank at Washington City, and deposited it in the Bank of Tennessee.

In November, 1828, he selected and deposited in sixteen different banks.

In February, 1830, Mr. Ingham, Secretary, made deposits in the Bank of New Haven.

In June, 1830, he drew \$10,000 from the bank at New Orleans, and deposited it in the Bank of Mississippi, at Natchez.

In October, 1832, Mr. McLane, Secretary, deposited both in the Bank of Alexandria and the Mechanics' Bank of Alexandria.

Now, if the Secretaries had the power to remove one dollar of the deposits, they had the right to remove all. The removals to which we have referred were never objected to, but always regarded as perfectly legal. Mr. Crawford, it is true, was assailed and basely slandered for the acts to which we have referred. Ninian Edwards was the instrument in the hands of Mr. Calhoun to attack him. The reason for that attack was obvious when Mr. Calhoun wished to put him out of his way to the Presidency. Congress and the people passed upon the act, and both acquitted him. It is a singular coincidence, that the only two persons who have ever been assailed for removing the deposits were Messrs. Craw-

ford and Jackson, their chief accuser Mr. Calhoun, and both these gentlemen formidable rivals and powerful opponents to his ascension to the Presidency. Just look on the history of this question, and tell me if

“ 'Tis not strange what difference be
 'Twixt tweedle-dum and tweedle-dee ”?

ATTICUS.

It has been considered necessary to place these extracts before the public, to show the position maintained by Judge Clayton, on the two exciting measures in which he acted a prominent part in Congress,—the Tariff and Bank. In order that his opinions may also be understood relative to the Public Lands, another topic of profound national interest, the following document is sub-joined:—

HOUSE OF REPRESENTATIVES, April 17, 1834.

MR. CLAYTON, from the Committee on the Public Lands, made the following report:—

The Committee on the Public Lands, to which was referred the petition of the Trustees of Transylvania College, of Kentucky, and that of the Trustees of Pendleton Academy, of the State of Alabama, praying for a donation of lands for the encouragement of their respective institutions, report:—

That the disposition of the public lands for such an object, however laudable, cannot be justified either by the Constitution or the manner in which they are held by the Government. The only method by which Congress can “promote the progress of science and useful arts” is “by securing, for a limited time, to authors and inventors, the exclusive right to their respective writings and discoveries.” It cannot be denied that the donation of the public lands to seminaries of learning would be to promote the progress of science, and consequently in a way very different from that prescribed in the above clause of the Constitution. By the express specification of the manner and cases in which science and the useful arts shall be encouraged, it is entirely obvious that every other mode is excluded. And this would be very apparent, if, instead of an application for a donation of lands from a college, it should come from an inventor of some useful instrument calculated to advance the useful arts. It will be seen, by the clause of the Constitution referred to, that science and the useful arts are placed upon the same footing; and, if it is allowed to depart from the prescribed method of promoting the progress of the former, the latter may with equal right claim a similar indulgence, and the committee believe no one is prepared to admit that the public lands could be given away to inventors, however useful their discoveries might be. It may be said that the Constitution had reference to the authors of writings. This idea is refuted not only by the generality of the expression “the progress of science,” which comprehends the subject in its most unlimited sense, but by the well-known history of this particular clause of the Constitution as found in the journal of the convention. The proposition to clothe Congress with the power to charter a university was thrice presented and rejected by the convention; and, after referring

that subject, as well as the one relating to the encouragement of the useful arts, to a committee, all that could be obtained was the power as it now stands in the Constitution, and which the committee have before quoted; and this, in their opinion, is too plain to admit of a doubt that the Federal Government has any jurisdiction over the subject of science. Besides this view of the subject, the committee are of opinion the Government is further restrained from a disposition of the public lands in the manner required by the petitioners, from its solemn engagements made with the States from which it obtained its cessions of the public lands. In the conveyance made by the State of Virginia of her territory northwestward of the river Ohio, (and substantially in the cessions of lands made by North Carolina and Georgia,) there is to be found the following stipulation:—"That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered *a common fund* for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, *and for no other use or purpose whatever.*" In this stipulation the object and intention are so plainly expressed that it is scarcely necessary to call the attention of Congress to them. If the public lands form "*a common fund*" for the use and benefit of the States according to their usual respective proportions in the general charge and expenditure, and shall be disposed of for that and no other purpose, how can Congress make partial donations of *a common fund* for the benefit of seminaries of learning, intended, and so expressly stated, to be disposed of for the sole and exclusive purpose of benefiting the several States in the general charge and expenditure of the Government, and that, too, in unequal amounts to some States, and not to others? It appears to the committee that such a proposition cannot seriously be contended for. If the public lands were all sold and reduced to a common fund, *in money*, lying in the Treasury for the objects expressed in the above-quoted agreement, every one would see at once that Congress would not draw the money from that place for the purposes sought by the petitioners; and, if they would not *in money*, it is not perceived how it can be done while this common fund remains *in lands*. If a single acre can be used for that purpose, the whole can, and thus the fund would be diverted altogether from its palpably-expressed object. And this is not all: if any part of it can be given to one or two seminaries of learning, the whole can to the same, to the exclusion of all the other States. It is no good answer to this objection to say that Congress must take care to distribute the public lands equally among all the literary institutions throughout the United States: this would be most notoriously a departure from the contract of the ceding State; and, when once Congress shall substitute its discretion for the express terms of the agreement, it must be plain to every mind that there can be no limits to that discretion, save a sense of its own notions of propriety, most evidently forming no part of the inducements to the cessions of land made by the States to the Federal Government. It must be obvious, too, that, if they had the right to change the terms of the contract, it is wholly impracticable to make an equal and impartial

distribution of the lands among all the various institutions, high and low, intended to diffuse the benefits of education.

The committee are aware that something is claimed for these applications from the force of precedent, but they cannot for a moment believe, if they have presented a correct view of the subject, that it will be seriously contended that the plain and positive stipulations of a contract, and the still higher and more solemn obligations of the Constitution, shall be made to yield to a practice certainly founded in error, and perhaps without due consideration. Nor can any sanction be drawn from the example of a certain disposition of lands within the new States, where the public domain is situated, for the benefit of schools, inasmuch as such disposition was evidently predicated upon the provision in the Constitution which vested Congress with the "power to dispose of and make all needful rules and regulations respecting the territory belonging to the United States." Nothing could so much contribute to the population of the new States as the institution of schools. The means of education certainly furnished the strongest motive to the purchase of the public lands, and a donation for that object in different parts of the territory came properly within those needful "rules and regulations," well calculated to enhance the value of the residue, and was alike due to the condition of the new States that were entirely without the means of offering such an indispensable inducement to their early settlement. This is a regular system in reference to the new States organized from the Territories; and, though one of the applications is from a new State, it does not fall within that system,—a departure from which would entitle not only the other new States, but the old ones also, to similar donations. Under these opinions, the committee ask to be discharged from the further consideration of the said petitions, and all of a like nature since referred to them.

The author has no record to show on what different committees Judge Clayton served during the four sessions he was in Congress, nor what reports he made. It is not material, however, to parade these facts: his reputation is sufficiently established without them. He was ever diligent, ever animated, ever watchful of the public good; and he let no occasion pass unimproved to benefit his country to the best of his power.

Dismissing his judicial and legislative career, in both of which he displayed eminent ability, the author proceeds to the literary character of Judge Clayton, which is not less enviable. The author regrets that he is so inadequately supplied in this field; for, although it is known that Judge Clayton wrote a great deal for the public eye, in all of which he infused his pure diction and flowing spirit, yet, for the twenty-four years after he graduated at Franklin College, in 1804, until his address before the societies of the same institution in 1828, no production except the "Mysterious Picture" has come to the notice of the author which might be regarded as a proper test of his literary merits. His speeches at the bar, in the Legislature, and on other public occasions,—his

charges to the grand jury,—his communications to the press,—though all evincing ripe acquirements, did not, however, take on a form of literary preparation which might decide his claims to the favor of competent judges of style. It was reserved for the college commencement in August, 1828, at Athens,—when he and the Hon. John M. Berrien met in friendly, yet in high-toned, earnest competition,—for his happiest effort to be made. Both selected a similar theme. One exemplified “Eloquence,” as did the chaste and melodious Berrien, and the other asserted the power of “Oratory,” which he illustrated in his own person. Such a literary feast had never been spread before an audience in Georgia; and it may well be feared that its like will never be repeated. The brief extract from Judge Clayton’s address here given will afford some idea of the whole, which was equally brilliant and elaborate:—

Oratory is the great moral agent that guides and controls all human passions. Eloquence is the universal instrument by which all the wants of animated nature are supplied. It is to the moral what electricity is to the natural world. It is the great pervading, connecting, and upholding principle of all sensual inclination and of all intellectual influence.

It is the subtle, active, quickening impulse, restless as air and rapid as lightning, that runs through all sense, gives edge to its desires and effort to its designs. It assumes all shapes, tries all forms, and shines in all varieties. It sobs in the cry of infancy, woos in the sigh of love, wails in the groan of pain, implores in the suffering of despair, supplicates in the wretchedness of sorrow, beseeches in the misery of want, persuades in truth, demands in justice, melts in pity, thunders in vengeance, and rages in distraction.

At one moment it fans like the zephyr, at another blasts like the simoom; now plays and refreshes like the breeze, then storms and destroys like the blast. The mind is never steady under its operation: reason dreads it, judgment shrinks from under its crushing energy, and neither in their dominion has the security of an hour under its ravaging march.

He who witnesses the calm serenity of a summer’s morn, or the mellow stillness of an autumnal eve, forgets that they can be disturbed by any cause. Let but the angry lightnings of heaven gather in the west, growl for a time as they thicken in the cloud, rise in swelling murmurs as they come over the fearful silence of nature, then quicken in flashes, streak through the vaulted skies, peal from pole to pole, from heaven to earth, and rend the lofty forest, in vain may he look for those tranquil seasons that so regaled his senses before this “war of elements.”

So with oratory. Reason and judgment sit secure amid its playful gambols; but let it once swell into a tempest, drive upon the feelings, strike at the sympathies, beat upon the affections, storm on the passions, dash on the sensibilities of the heart, and reason and judgment are gone,—fled from the sober helm of conscience: the mind surrenders at discretion; decisions are made and sent forth which no future composure can repair, and often become fate to an individual and destiny to a nation.

In 1825 there appeared in the book-stores a pamphlet of two hundred pages, bound in the style of the *Quarterly Review*, entitled "The Mysterious Picture, by Wrangham Fitz-ramble, Esq.," with the following lines on the title-page:—

Hence *Satire's* power: 'tis her corrective part
 To calm the wild disorders of the heart.
 She points the arduous height where glory lies,
 And teaches mad Ambition to be wise.
 In the dark bosom wakes the fair desire,
 Draws good from ill, a brighter flame from fire.
 Strips black Oppression of her gay disguise,
 And bids the hag in native horror rise;
 Strikes towering Pride and lawless Rapine dead,
 And plants the wreath on Virtue's awful head.

As noted by the author of the pamphlet, its contents were—The Mysterious Picture; Human Depravity; Vanity; The Illusions of Pleasure; Pride and Love; The Disappointed Author; The Politician; The Widow and Widower; Education; The Negro's Dream.

The conception was singular, tinged with the supernatural. While restless on his pillow, Mr. Fitz-ramble was addressed as in a vision:—

"You have nothing to fear," said the genius, for so he called himself. "I have beheld your difficulties, and am ordered to furnish the relief. Arise; follow me, and, strange as it may appear, I will discover to you an *unknown world of thought*, where *mortal* research has never penetrated and which *human* ingenuity can never fathom."

I instantly arose, and seemed to possess a surprising activity of body and a subtle elasticity of mind,—in the first to move without exertion, and in the last to think without an effort.

The genius then conducted him into a church where the congregation were arrested by a spell, yet each individual retaining the images passing in his or her mind at the moment. Thrilling reflections are thus indulged:—

When I surveyed this immense crowd in a state of apparent torpor, possessing the same complexion, cast of countenance, and expression of eye as if alive, in the deathlike stillness and inflexibility of statues, the inward employment of whose minds was shortly to be in my power, I felt an impressive distrust of my own firmness and a repulsive dread of the scene. I seemed to think that I was meddling with what did not belong to me; that I was lurking around the privacy and prying into the secrets of heart which ought to be held sacred by reason of their undivulged nature and in virtue of their deep concealment in the very folds of life; that I was taking an ungenerous advantage of a sudden and unavoidable misfortune, which foreclosed the mind from all preparation for such a distressing examination. Indeed, I would have given any thing to have

silently withdrawn, and to have refused an insight into this serious and delicate development; and for this purpose I fondly asked myself, "Is it not all a dream? Exert yourself, and try to shake off the delusion, and by that means escape from this unsought dilemma and fly from what you so much dislike." But at this moment the genius approached me sternly saying, "You are not asleep; it is no phantom. You are compelled not only to witness, but to reveal, the whole; and why should you be afraid or ashamed to do so? There is *One* infinitely greater than you—the Source of all virtue and the Fountain of all purity, before whom you are a loathsome worm—obliged daily to behold these vain imaginations: there is not a secret spring or the lightest conceivable motion of the mind that is not instantly open to his view. And if these people are not ashamed to indulge before *Him* what you will soon discover, why should they be before you, even if they were sensible of it? Do you imagine they care more for you than *Him*? Besides, suppose that sudden death had seized them: would it not have taken them in those very thoughts? and will they not, as well as all others, in a coming day be exposed to the gaze of an assembled world? They wrong themselves; you do them no injury. Come, then, and I will show you how to get at the contents of each story, drama, novel, romance, or whatever else you may choose to call it, in this singular sleeping library."

The idea then proceeds: heads are unlocked by a touch, flying open to inspection, and all secret thoughts are revealed. Here is a cotton-planter fixing up his crop for market,—the best of his staple where it can be seen. By his side is a Yankee cotton-buyer, with gimlet and samples in his pocket, contriving how to mix up the qualities so as to obtain an advantage in the classification and sale. The details are quite minute in both characters,—both resorting to unworthy devices for profit.

"Merciful Heaven!" thought I; "are these the pranks that are played in the disposition of that great and valuable staple of the Southern States, that constitutes their wealth and strength? Is it possible," continued I, turning around toward the females and casting my eye upon one who was richly attired, "that the beautiful drapery that covers that more beautiful form has been made to pass through such a demoralizing process? Can it be that the gay apparel, which flows with so much grace and shines with such splendor on the glittering nymphs who so often adorn the mirthful hall, is stained with fraud, has been familiar with falsehood, and almost associated with felony?" I trembled at the idea, lest it might be imbued with a contagion that would impart treachery to the bosom it so modestly concealed, or faithlessness to the heart by which it was so unconsciously caressed.

On the subject of petty frauds, artful projects, cunning stratagems, cheating schemes, overreaching devices, and swindling contrivances, I shall never be able to disclose the half I saw on that occasion. In the mechanic arts there was a great inclination of the mind to imposition, to slight work, and to charge high, particularly in all the handicraft-work; and, if the nature of the labor was out of the common observation and ordinary experience of the customers, they were certainly exposed to a fraud. For instance, I noticed one watchmaker had determined that

every watch in his shop should have either a mainspring or a pivot-wheel broken; and the repair of these would, of course, just command the highest price.

In commercial business the tricks were innumerable. Vintners were adulterating wines; druggists were corrupting medicines, particularly the article of Peruvian bark; and merchants were altering invoices and furnishing themselves with the materials, to give it no worse name, for making round assertions about the "*cost*" of their goods. One old fellow had just concluded that his last supply of rum would bear "fully a fourth;" and, as to his molasses, it must take a "third," or he should absolutely lose "on the article," it was so villanously wasting.

Then a variety of characters are peeped into: the horse-jockey patching up eyes, smoothing over defects, and concealing bad qualities; debtors were framing excuses for a want of punctuality; tailors were *cabbing* remnants; millers heaping up toll; bank-directors contriving to serve themselves and friends liberally; clerks resorting to various stratagems—some had been knocked down and robbed—to account for the money intrusted to them; other officers of the bank were using false keys, some making false entries on the books, and other individuals were digging under ground to rob the vaults; some were counterfeiting bills, and others making a chemical preparation to change their amount. Mr. Fitz-ramble then lets off his animosity to banks in the following words:—

All kinds of plans and inventions were in train either to make, alter, forge, counterfeit, or steal bank-money; to break open merchants' shops, to rob desks and counter-drawers, pick pockets, and especially to fish pocket-books; so that I could not but believe—and such is my honest conviction—if the whole institution could be swallowed up as by an earthquake, leaving not a vestige behind, that with it would disappear one-half the crime and its demoralizing effects which at present so deeply corrupt the frame of society; and, as to the increase of private happiness and the diminution of individual suffering and anxiety, the consequences would be incalculable.

The genius next escorted his companion to a great elevation, and then showed him the entire world below, with all its transactions. The view is powerfully summed up:—

Such deeds the most lawless fancy cannot portray, heart cannot conceive, and to which, of course, utterance is denied. Imagination in the fullest sweep of voluptuous contemplation, whetted by the most luxuriant passion, and urged by the sharpest penetration, can never reach the thousandth part of the deep-dyed and ingrained hue of this hidden licentiousness. "And yet," thought I, "this is forever passing before the all-seeing eye of a pure and spotless Deity."

Under the head of "Vanity," the writer sketches to the life a flippant young man bent upon pleasing the ladies, dashing through

the streets with a fine switch-tailed horse and an elegant new silver-tipped gig, (no buggies then,) and managing to pass "all the houses that were inhabited by fair damsels." At length a tender heart is broken by this "inflated Adonis," and he is much exalted thereby in his own estimation. A group in the church is thus described:—

I came across several young gentlemen dressed in the highest *ton*, their bodies drawn to the shape of an inverted cone, well swaddled in a fresh and increased supply of cravats, standing upon brass-heeled stilts, behind a goodly bale of ruffles, just ready to leave the house; and they would have been off in a second but for their untimely arrest.

No apology will be made for the introduction here of the following admirable picture:—

I found one collegian—who had taken an honor upon graduating, had been much flattered in the progress of his education, created great hopes in his friends, and possessed greater notions of himself—absorbed in a most delightful trance of self-homage. He had just entered upon the profession of law, and delivered a Fourth-of-July oration, and was then enjoying the fruits of his resplendent *début*. All eyes, he conceived, were upon him: the men coveting his talents and genius, and the ladies courting an alliance with him through their fair daughters. He had gone to the head of his profession at a stride, made a fortune right off, and was somewhat perplexed in his mind whether he should go upon the bench or go into Congress. This last field opened to wider fame and higher glory; but he did not like to leave any distinction unworn if he could take them all in his march, and at that time he did not discover much difficulty in his way, only he noticed that most other great men had to leave one or the other. "Alas, poor fellow!" thought I, "what an *ignis fatuus* you are dancing after! Professional success, as well as political fame, depends upon a thousand things you cannot now foresee, but especially upon the caprice of a huge and unthinking multitude, who are slow to discover merit and slow to reward it. The forum is not like a college-stage, nor Congress like a polemic society. From these great theatres, as many mournful adventures will reveal, the laurel of renown is not easily snatched. How often will day after day and court after court pass away and leave you rooted to the spot at which you commenced! Mountains of no description have ever been readily climbed; and your ascension up the long slopes of wealth or steepes of fame will be equally toilsome."

There was no subject, whether great or small, that did not employ this engrossing passion. One was sweeping every thing before him and outstripping all his associates in a perilous fox-hunt. Another was actually experiencing a flesh-crawling, hair-raising elevation of soul in the loud and repeated huzzas of the rabble, vented on no other occasion than that of a triumphant horse-race. In both these cases, as well as others that I noticed, the smiles and approbation of the fair constituted by far the greater part of the fancied glory of these bewitching day-dreams. A third, being the lady of a member of Congress, took great pleasure in *looking down* upon the plebeian rank that surrounded her, and a greater pride in their *looking up*, as she conceived, to her official dignity.

There was no end to the military men whom I found there. Such marching and countermarching; such martial music; such fine war-horses, so richly and gaily caparisoned; such splendid apparel; such glittering swords, sashes, sword-knots, and waving plumes; such rapid movements and mighty battles, in which the roar of cannon and the clash of arms, mingled with clouds of dust, volumes of smoke, and seas of blood, presented an awful picture; and then, when returned from "wild war's alarms," such ravishing applause from the people; such balls and dinners; such city-parading; such corporation-addresses and modest answers, manufactured for the occasion and by preconcerted arrangement; such transporting and soul-devouring gazes from the ladies on the public promenades, at the theatres and all kinds of public assemblies. Oh, it was delightful to see how well these great generals stood with themselves: every one of them had fought one duel, and some as many as three, merely for the purpose of lamenting the circumstance before some fine lady.

I found, too, a great many statesmen and orators who seemed to take a cruel pleasure in torturing their auditory,—first, by gently leading them, as by a hair, from one place to another, altogether charmed by the witchery of their persuasive elocution, and then all at once rending them to atoms by the lightning of eloquence and a sudden burst of its overwhelming thunder. The poor hearers were represented on the canvas of their fancy with distorted countenances, frightfully gazing at each other, their eyes "rolling in frenzy," their hands clenched, and their breathing almost suspended. I seemed to catch the terror-smitten feeling of these unfortunate victims of oratory, and I was glad to flee from their fate by dropping the curtain upon the subject.

After describing the thoughts of a widow lady whose sons and daughters had in her imagination experienced fortune in a variety of shapes, with sorrow greatly overbalancing the joys of life, the writer thus impressively moralizes:—

Our mortal existence is a fixed and positive state of suffering. We enter upon life with a pang and leave it in agony; our birth is in shrieks and our death amid sighs. Collectively taken, there is not a pulse of the heart that does not begin or end a life; there is not a human respiration which is not to some unfortunate being either his first or last. The world, to its successive generations, is nothing but a fading gewgaw; and we ourselves are only empty bubbles, sparkling as we glide down the tide of time, and bursting at every breath.

"Long o'er the wrecks of lovely life we weep;
Then, pleased, reflect, 'to die is but to sleep.
Organic forms with chymic changes strive,
Live but to die, and die but to revive.
Immortal matter braves the transient storm,
Mounts from the wreck, unchanging but in form."

The "Disappointed Author" is a rich exhibition. He had written articles which he fondly concluded would at once establish his fame, and he was ever looking out for praise. But the poor fellow never had the satisfaction of hearing a word of eulogy bestowed on his "Letters" which he so highly prized. Once he

heard them alluded to in a public reading-room as containing the "most incorrigible nonsense and sleep-producing stupidity that had certainly ever found its way into print; that writers of such trash and printers of such trumpery ought to be sewed up in a bag and thrown into a ditch,"—whereupon he fell into a very earnest soliloquy, in which he discoursed himself into the opinion that

Literary intelligence is not collected and embodied as it should be. If any important ideas are suggested, they are not extended or improved; and hence they pass off unnoticed by ourselves, and, of course, by foreigners. But if it were some low wit or light humor, the account of a sea-serpent, a boat or a horse race, the arrival of distinguished foreigners, curious murders, extraordinary births, wonderful inventions that were never made, and amazing appearances that never occurred, all the prints from one end of the continent to the other, in compliment to the taste of their witch-believing readers, would be filled with those very dignified and important subjects, giving so much consequence to their papers and character to the nation.

Let but a petty ensign in the army happen to knock down an Indian chief with the butt of his musket, or a midshipman choke a pirate to death, in their official capacities, and, in the pedantry of the black gown, they become *eo instanti* and *ipso facto* entitled to attend the President's levees, liable to be suffocated in the fumes and steam of a smoking dinner, drowned in a pipe of old Madeira, and shot to pieces by cannon in every city through which they may pass *having good, fat aldermen*. Not so by literary achievements; not so by the essayist.

The "Mysterious Picture" should be read as a whole, to appreciate the satire which lurks in every paragraph. The quotations will close with a fashionable lady whose charms had so wrought on two rival admirers that the code of honor had to decide between them:—

This duel seemed to season all her other thoughts with such a smack of importance, which, besides giving her a great deal of self-complacency, served to regale her with a foretaste of her future consequence. She appeared to have, though not a sorrowful, yet not a very unreasonable, view of the affair. If people were such fools as to try to shoot out what little brains they had, (which, by-the-by, she thought would require some skill,) why should she grieve about it? Everybody likes to be talked of, and she did not pretend to suppress the satisfaction it would give her to learn that one was killed dead on the spot and the other mortally wounded, for the bloodier the battle the more noise it would make: it would even get into the papers, those kind propagators of all sorts of good news; and surely, she thought, it will be asked, What is the *melancholy cause* of such a pathetic catastrophe? This would at once float her name upon the waves of conversation, and she would be tossed mountains high on the surges of public admiration.

Sufficient has been said to show the vivid mind of Judge Clayton as a statesman, jurist, and miscellaneous writer. After his return

from Congress in 1835, he devoted himself to such matters as were most agreeable at his period of life, being easy in his fortune, and under no necessity to make those exertions which in the accomplishment of his manly ambition he had found requisite. Honored for his talents and virtues even beyond the limits of his own State, he was especially a favorite in the community where he resided. All classes found in him a wise counsellor and ready friend. But his active career was near its termination. He was stricken with paralysis, which for several months confined him to his house; and, on the 21st day of June, 1839, what was mortal of AUGUSTIN SMITH CLAYTON ceased to exist, in the fifty-sixth year of his age.

This memoir will be closed by the testimony of others. Several years ago, (1851,) the author applied to Philip Clayton, Esq., Second Auditor of the Treasury at Washington, for information respecting his father. An extract from the reply is here given to questions propounded:—

He married in Franklin county Miss Julia Carnes, the niece of Judge Carnes,—when, I have not the date,—and left when he died eight children, all still living, to wit:—George R. Clayton, William Wirt Clayton, Philip Clayton, Almira D. Cobb, Ed. P. Clayton, Julia Baldwin, Claudia C. Howze, and Augusta C. Clayton. I have placed them according to age.

Gen. Jephtha V. Harris, Asbury Hull, Judge Charles Dougherty, all of Athens, are the living men who were most familiar with him. Gen. Harris was his classmate at college. Judge Longstreet, Oliver H. Prince, and Judge Dooly were his intimate associates, and with him constituted a galaxy of wit that has never had its equal in any generation of lawyers that have graced the Georgia bar. I feel some delicacy in speaking of my revered father's character and position as *I think* it deserves, and I trust your good sense will appreciate any extravagance into which my partiality may lead me.

As a writer I conceive he had not his superior in Georgia. His political essays were numerous and have never all been collected. His "Atticus," during the contest between Troup and Clark, was considered as an efficient means in the decision to which the people came on that occasion. I have heard from men of that day that, as each number would appear, (having been originally published in a paper at Athens,) it would be sought with avidity.

His reports in the Legislature of Georgia were also important in fixing the legislation of the country. His career in Congress was distinguished by ability, and no one rose higher in so short a time. He was the author of the "Mysterious Picture,"—a literary work that received the commendation of the best reviewers of that day. His legal decisions were generally considered sound; and the one declaring the law of Georgia unconstitutional which prevented an Indian from digging gold on his own land (the case of Kanatoo) was approved by Marshall, Story, and Kent, whose written opinions he received after he was defeated by the

Georgia Legislature for making the decision. But the most finished production of his pen, in my opinion, was an oration delivered by him at Athens, Georgia, before the Demosthenian and Phi-Kappa Societies, in 1828.

He was a man of spotless character, devoted to truth and justice, gentle in his manners, and kind to all, unsurpassed in wit, and the admired of every circle. Even at this late day, I am often reminded by men who were his associates in Congress of the pleasant hours they have spent in his society in this city. As a father, he was untiring in his attention to his children, and especially in impressing upon them all those sentiments that ennoble the man; and to his early training they are indebted for their respectability and character. But the crowning virtue of his life was his devotion to his wife. As a husband he never had a superior, and seldom, if ever, an equal.

My time at present will not permit me to say more. Should you wish information upon any particular point of his character that I have omitted, I will cheerfully give it. He was the friend of education and the associate of Dr. Waddell, and rendered more service to Franklin College than any man that has ever lived,—of which Dr. Church could no doubt give you much information.

The legal profession has been long reproached with indifference, if not with direct hostility, to the Christian religion, and it is the desire of the author to remove the complaint whenever he has the opportunity. To this end he extracts freely from the discourse delivered by the Rev. Whiteford Smith on the occasion of Judge Clayton's funeral, June 23, 1839:—

Our departed brother was permitted to attain to the age which commonly falls to the lot of man, and, like other men, he had experienced that this world was one of perpetual vicissitude. He was one of the earliest graduates of this institution, and one of its oldest trustees. Having realized the benefits of a liberal education himself, he was desirous of extending the same advantages to others. He was gifted with a high order of talent, which prepared him for the responsible duties which his position in society involved. The confidence of his fellow-citizens raised him to public office, and he received at their hands one of the highest distinctions which it was in their power to bestow. It rarely falls to the lot of the statesman to escape unjust censure from his political opponents, and frequently this is the meed awarded by his friends. The busy, restless, political world knows not how to appreciate the character of him who, with a consciousness of rectitude which is sufficient to sustain him, pursues that course which he honestly believes is right. Our brother found it so. In his last hours he appeared to have bestowed a few thoughts upon the review of his political life. Addressing one who was his old associate and bosom friend, he said, "His motives had often been misunderstood. He felt that he might have erred, but had faithfully devoted a portion of his life to the service of his country: though he claimed no reward, they had already rewarded him abundantly." Had he an enemy,—as what political man has not?—had the strife of party ever brought upon him the hatred or enmity of any? I come commissioned from his dying bed to say to such, if such there be, that he forgave them

freely, and sent up to heaven for them his ardent prayers. That mercy which he sought he generously shared.

In his domestic relations, as a husband, father, and master, none could have been more kind, affectionate, and gentle. Few families have been blessed with such a head, and very few have felt and manifested the same assiduous desire to minister to the happiness of one who was endeared to them by every tie. Peculiarly tender was the exhibition of paternal love which he made before he left them. Oh, could you have seen him, as he gathered his children around him, and, one by one, encircled them in his wasted arms, giving them a father's dying benediction, and commending them especially to the grace of God, and entreating and exhorting them to seek after the kingdom of heaven, that they might be united there, you would have been convinced that the flame of parental love that burned within that bosom was one which the cold waters of death could not extinguish,—that the affection which animated that heart sunk not with the decay of nature's strength.

Happy that the providence of God had enabled him to leave a competency for the maintenance of his family, he adverted with gratitude to that; but, while he rejoiced that they were thus provided for in this life, his chief concern and desire on their behalf related to the life to come. He pressed upon them with unusual strength and energy an exhortation upon this subject which overwhelmed us all. He adverted with regret to the lateness of the period at which he had embraced Christianity. "*I have lost oceans of happiness by not beginning earlier,*" was his own emphatic language. And then, alluding to the support which it afforded him in his afflictions, and the value which he then felt it to be, he told them, "If I could leave you all such legacies as I wish, and Christianity were set down at the price of a million, I would rather bequeath you Christianity than a million of dollars." He further urged upon them its excellence, by virtue of its power to fit them for the duties of life. "God first, and man afterward," said he, and then illustrated his conviction that a true Christian must be a philanthropist.

But there was one dearer to him than all others. She had been his guardian angel, his ministering spirit. She had been the wife of his youth: she had been the companion of his journey through all its scenes of change. When the world wronged him, he knew where to go for solace and comfort,—to one whose bosom was his ever-happy home. When affliction came, she was still by his side; and when his long-protracted sufferings required vigil upon vigil, she had an eye that asked no slumber, and a hand that owned no fatigue. And she it was who had sought for many a year to lead him, by her gentle and her winning way, from the turbid streams of earthly pleasure to the pure and the better spring at which she drank. Hard was the struggle of his soul to leave her. But he gave another and a brighter cast even to this heaviest ill. "'Tis only a journey," said he, "and I am going a little ahead of you, and you will all soon follow."

"Our dying friends are pioneers* to smooth
Our rugged pass to death,—to break those bars
Of terror and abhorrence Nature throws
'Cross our obstructed way, and thus to make
Welcome, as safe, our port from every storm."

Nor were his servants forgotten. Fixing his eye on one who stood by his bedside, and who had been constant in his services throughout his

master's illness, he commended him for his fidelity, and warned him of the dangers to which he was exposed, and particularly of the evil of intemperance; and, unable to address them all, he closed his admonition by saying, "What I say to *you* applies to all the rest."

We have hitherto viewed the character of the deceased only in those points of light which are calculated to increase our sorrow for his loss, without affording us any consolation. And if the history of his life were here to be wound up, then should we sorrow "even as others which have no hope." But let us now consider the *religious* character of our brother.

For the greatest part of his life Judge CLAYTON had been skeptical of the truth of Christianity. Though always respectful to those who made a profession of religion, yet he had never submitted himself to the cross of Christ until within the last twelve months. During the month of August, 1838, he was attacked with paralysis, and, for a short time, lost the use of one hand, and his articulation became very indistinct. Upon the day of his attack I visited him. Knowing that the fears of his family and friends were awakened for his safety, and probably judging from my presence that we were particularly anxious about his spiritual state, he addressed me as well as he was able. "I think I may safely say I am prepared for the event." I replied that I had perceived in his conversation from time to time some familiarity with the Bible, and hoped he had made it a matter of study. His answer was,—“No: but in all my dealings with the world, and in all my acts, I have always had regard to the existence of a just God; and, if there is a man I have wronged, I do not know him.” Having endeavored to direct his mind to the Lord Jesus Christ as the sacrifice for sin, and to the necessity of the merit of his atonement, I inquired if it was his wish that we should pray, and, he desiring it, the family assembled, and we prayed. No opportunity offered (from the nature of his affliction) for some days after for religious conversation. Some short time subsequently, however, when he had so far recovered as to be able to go about, understanding that he desired to see me, I called, accompanied by one of the ministers who was in attendance at a protracted meeting then in progress. The subject of religion was now introduced, and never had I witnessed so great a change. He who, but a short time before, had been dwelling complacently upon his own virtuous deeds, and even meditating an entrance into eternity with no other preparation, now sat before me overwhelmed with grief and tears at the recollection of his ingratitude to God for all his mercies. He had been employed in reviewing the past; and, though he found that his conduct toward the world had been quite equitable and just, he had also been convinced that his duties toward his Maker had been neglected. Now he inquired what had kept him from being a Christian; and, having learned the true state of his own heart, this was his candid confession, and, at the same time, the avowal of his purposes:—“Sir, I am determined that *pride of opinion*, which has so long kept me from embracing Christianity, shall keep me away no longer.” Nor was he insensible to the difficulties which he met in turning to God with repentance and faith. “In pursuing this course,” said he, “at every step I am met by a committal. For all the acts of a man's life are so many committals, and every act contrary to religion is a committal to vice. But shall I permit these things to deter me when I see the extended arms of my God ready to receive me?”

Having abandoned that pride of opinion which he felt had so long prevented his becoming a Christian, he manifested the greatest meekness and docility in the reception of truth. Sensible that in trusting to the merit of his own good works he had rested upon a frail and weak foundation, he now desired to place himself upon another and a surer basis. And upon the eternal foundation of the prophets and apostles, Jesus Christ himself being the chief corner-stone, there was but one way of successfully building, and that was by the exercise of an humble and confiding faith. How simple and how sincere was his reception of the gospel may be best learned from his own words. "Sir," said he, "I view myself as though I had been a heathen, shut up in darkness and superstition, and you, as a missionary of the cross, (for all ministers are, or ought to be, missionaries,) were presenting me for the first time with the Bible; and, although I do not comprehend all that may be in it, yet I receive it all by faith. I throw away, as a heathen would his idols, all my old systems and views, and adopt this for my creed. I take it all."

The interviews which it was my privilege to enjoy with Judge CLAYTON subsequent to this were all of the most delightful character. He dwelt with much anxiety on the subject of his former opinions, and was especially fearful lest his influence over others might have led them into error, and most earnestly solicitous to erase any such impressions wherever they had been made. When, therefore, he communicated his desire of attaching himself to the Church and making a public profession of Christianity, knowing from his weakness that it would be with difficulty, if at all, that he could attend at the place of worship, I suggested that his wish might be made known without his personal attendance. To this, however, he immediately objected, desiring, feeble as he was, to perform this act in person, both as a public recantation of his former views, and in the hope that the influence of his example upon others might be salutary. And accordingly, on the 26th August, 1838, he presented himself in the presence of a large congregation, making an open profession of faith in his divine Redeemer, and united himself with the Methodist Episcopal Church. At this time he had not experienced that sense of joy and spiritual communion with God which he desired, but was earnestly seeking after the Lord if haply he might be found. Nor did he seek in vain. For but a short time had elapsed after he had taken this decisive step when he felt the springing up of inward comfort and rejoiced in the clear assurance of his sins forgiven. From this time, his whole soul seemed absorbed in the great subject of religion. The language of his heart appeared to be, "Oh, how I love thy law! it is my meditation all the day." It was his darling theme of conversation. His very weak state of bodily health allowed him to attend at church but very seldom; and now he sorrowed that, just as he had begun to appreciate those religious privileges, he was cut off from their enjoyment. Still, he patiently submitted to the will of his heavenly Father.

There was one point upon which our departed brother seemed particularly sensitive and anxious from the time of his conversion until his death. He knew full well that there would not be wanting those who would say that his mind had been enfeebled by his disease; that the apprehension of death had alarmed him, and occasioned his pursuing this course. To the last this thought seemed constantly before him. He adverted to it calmly, but firmly, expressing his conviction that, amid the decay of his physical energies, his powers of composition and reflection

were as strong as ever. And many who visited him during his illness, and even in his dying hours, were witnesses of this. Never had I beheld one less agitated in prospect of death. He spoke of it, not as of an event which must happen, and for which he had been preparing himself by the principles of a stoical philosophy,—not as of an unending sleep, where no consciousness of existence should be felt, and where the waters of oblivion should wash out all remembrance of the past,—but he viewed it rationally, as a winding up of the affairs of this life, which was to be followed by a rigid scrutiny into all his acts and principles and motives. Sensible, as every honest dying man must be, that, in the judgment of an all-wise and holy God, there would be found many delinquencies and errors which needed a satisfactory atonement, with faith in the record which God had given of his Son, he reposed in the merits of the sacrifice which he had offered for the sins of the whole world. Experiencing the peace and joy which attend upon a sense of sins forgiven, he spoke of death as though he were “*prepared*,” and not only prepared, but cheerfully willing and ready to go. He spoke of it as a “*pleasure* ;” and, when asked upon one occasion what he wished, he answered, “*To die.*”

The warm and generous emotions of his heart were not checked by his physical weakness. He had a word of affectionate tenderness for all who visited him. Sitting upon his bed one afternoon, very shortly before his death, he prayed with great earnestness for his enemies, and then observed :—“I wish that the world could all be brought into one embrace, and that embrace were mine : I would throw my arms around them and bring them all to Christ.”

I called his attention to his expression of “having been prepared for the event” when attacked with paralysis last summer. “Ah, yes!” said he : “I was then trusting in my morality. But it would not do.”

Are there any here who look upon all this as the result of fear? Hear what he bade me tell you :—“*Say to those stout-hearted stoics—those men of learning—who say this is all fear, that they may call it so : but who would not fear a God?*”

Surely it can be called no want of reason or moral courage that man should stand in awe of his great Creator. In the pride of his ungrateful heart, surrounded by friends and all the pomp of power, he is often ready to suppose that the acknowledgment of his dependence upon and obligations to his Maker involves a weakness which he would not own. But there must come a time when the proudest and most stubborn feel their utter impotency in his hand. He who can paralyze in a moment the strongest arm and still the tongue of the bold blasphemer must be confessed to be the Almighty. Too long have men trampled with impious foot the sacred canon, and endeavored, by dethroning God, to exalt and deify what they have termed their reason. Vain and arrogant presumption! If to condemn unread the book of revelation,—if to impugn and vilify the whole system of Christianity because there are some of its truths so sublime and pure that we cannot fully comprehend and appreciate them,—if this be reason, then folly would be bliss.

“’Tis reason our great Master holds so dear ;
 ’Tis reason’s injured rights his wrath resents ;
 ’Tis reason’s voice obey’d his glorious crown :
 To give lost reason life he pour’d his own.”

That

The chamber where the good man meets his fate
Is privileged beyond the common walk
Of virtuous life, quite in the verge of heaven—

was fully realized by those who were permitted to attend upon our lamented brother in his dying hours. On the Wednesday morning before he died, being attacked with violent spasms, his family supposed that he was about to be taken away from them. While, overwhelmed with grief at the anticipation of his loss, they wept around him, he ministered consolation to them all. Throughout the day these paroxysms continued, and in the afternoon were still more violent. It was in the close of one of these agonies that he distinctly, though slowly, uttered these words:—"Oh, what darkness! what dismal darkness! how profound!—*physically speaking. But all is bright beyond.*" He lingered until Friday night, slowly sinking; and, throughout all this time, never did he seem to lose sight of the great object of his faith and hope. Frequently and emphatically would he say, "Blessed be God!—blessed be God forever!"

And when at last his hour had come, it pleased God to give him a calm and easy passage. As we hung near him to catch his last accents, faintly and softly we could hear him murmur, "The way is bright"—"Here's room"—"Over Jordan"—"Enter in"—"Door is open"—"This is heaven"—"I'm so happy"—"It is ended"—"I am through"—"Bless God." These short sentences he would frequently repeat in soft and gentle whispers. But they were sufficient to indicate what were the exercises of his mind as he passed away. Doubtless, could we have seen as he beheld, we should have witnessed the ministering spirits, as they gathered around, beckoning him onward to the throne of God. Without a groan or a struggle, our brother sweetly breathed his spirit into the bosom of his Father and his God,—illustrating what one has so beautifully said of the Christian's death:—

"He sets as sets the morning star, which goes
Not down behind the darken'd west, nor hides
Obscured amidst the tempests of the sky,
But melts away into the light of heaven."

From what has been said, and from the brief review which we have taken of our brother's history, we learn, first, the goodness and long-suffering of God. Had our friend been taken from us one year earlier, how different would have been our feelings! But it pleased God to spare him, and this long-suffering and forbearance led him to repentance. Is there one here to-day who has long lived in the neglect of these sacred and important things, and whose heart, now seriously impressed, is bordering on despair, thinking that it has been put off until it is too late? In the instance of mercy we have just been considering, let him learn that God is gracious and ready to forgive; yea, our God is merciful. And, if he will repent and believe, he may yet obtain that blessed hope which can support his spirit in the hour of heaviest trial. But let no one presume to defer this interest because our brother found pardon at so late a day. Let his own words proclaim to you the folly of such a course, and remember that, while he rejoiced in the pardoning mercy of God sought and obtained at so late a period, he felt that *he had lost oceans of happiness by not beginning earlier.* These oceans of happiness you may enjoy by devoting yourselves to God in early life.

But, as examples of this kind are comparatively rare, we learn, secondly, that such manifestations of divine grace are intended for the benefit of

all within the range of whose observation they come. So St. Paul contemplated his conversion :—"For this cause I obtained mercy, that in me first Christ Jesus might show forth all long-suffering, *for a pattern to them which should hereafter believe in him to life everlasting.*" Here was a miracle of the grace of God,—a brand plucked from the burning,—chosen as a vessel to bear this grace for the encouragement of all who may seek the Lord. This testimony comes not from one who was previously prejudiced in favor of Christianity, and from whom you might have expected it; not from one whose sincerity you might doubt; not from one terrified into a confession of sin; but from one whose early prepossessions were hostile to Christianity, but who, from being skeptical of its truth, became the subject of its power and cheerfully testified of its excellence; from one who had been accustomed frankly and fearlessly to avow his opinions; from one whose intellectual vigor we all respected, and who retained that mental power to the last. He now addresses you in those words which we have brought you from his dying bed, and calls upon you to turn unto the Lord and live.

Lastly, we learn how complete is the victory which Christianity enables us to achieve over the powers of death and the grave. For while we contemplate the closing scene of our brother's life, and mark the good man as he dies, we cannot but feel that the saying has been brought to pass, "Death is swallowed up in victory. O Death! where is thy sting? O Grave! where is thy victory? The sting of death is sin, and the strength of sin is the law. But thanks be to God, which giveth us the victory through our Lord Jesus Christ."

"Oh, may we triumph so
When all our warfare's past;
And, dying, find our latest foe
Under our feet at last!"

The following announcement appeared in the newspapers soon after the death of Judge Clayton :—

DIED,—At his residence in Athens, on Friday night, the 21st June, (1839,) the Hon. AUGUSTIN S. CLAYTON.

Judge Clayton was born in the State of Virginia, on the 27th November, 1783. He completed his education at the University of Georgia in 1804.

Having pursued the study of the law under the late Judge Carnes, he entered in early life upon its practice, and was successful, and rose to distinction at the bar.

He was chosen a Representative of his fellow-citizens, first in the lower and subsequently in the higher branch of the State Legislature, where he imparted the impress of his mind to many of the laws under which we now live.

He was thence elected Judge of the Superior Court of the Western Circuit, which post he filled with honor and dignity.

In 1832 he was elected a Representative in Congress for the State of Georgia, of which body he became a distinguished member. At the close of the last term for which he was elected, in consequence of declining health, he retired from public life, except the trusteeship of the University of Georgia, which station he had filled from a very early period.

He was highly distinguished for his correct literary taste and chaste,

flowing wit, which his numerous political and other essays abundantly prove.

In private life and in his social relations the subject of this notice was characterized by the greatest affection and the most ardent desire to minister to the happiness of those who were dependent upon him. For many years Judge Clayton had been exceedingly skeptical upon the subject of the Christian religion. His mind was, however, turned to its more calm and deliberate investigation during his long and protracted illness. Then it was that he regarded his previous neglect as the greatest ingratitude, and, under a deep conviction of its truth and of his former errors, he made a public profession of faith in Christ, by uniting with the Methodist Episcopal Church, in August, 1838, which he steadfastly and consistently maintained till his death.

Sensible that his former opposition to Christianity might have infected the minds of many with whom he had associated, his most ardent desire appeared to be to undo the evils of his former life in this regard.

The closing scene of his life was one of extraordinary Christian triumph. He retained the exercise of his intellectual powers with surprising vigor to the last; and many of his dying expressions will long be remembered by his family and friends as precious memorials of the power of divine grace in cheering the spirit in its passage to the tomb.

Thus lived and died one among the most talented and distinguished citizens of the State of Georgia, whose foibles will be forgotten, but whose many virtues will be remembered and cherished long after this brief obituary shall have been laid away among the things that were.

DEMOSTHENIAN SOCIETY, June 22, 1839.

Whereas, It has pleased Almighty God to take from us another, and one of the most venerable and highly-esteemed, of our members, the Hon. AUGUSTIN S. CLAYTON, one of the earliest graduates, and for many years a trustee, of this institution; and whereas, we are duly sensible of the loss which we have sustained as a body in the death of one whose reputation as a philanthropist, a statesman, and a most valuable and worthy citizen, has always reflected honor and dignity on our Society:

Be it unanimously Resolved, That we entertain the highest esteem and veneration for the deceased, and adopt the following resolutions:—

Resolved, That the members of this Society wear crape on the left arm for the space of thirty days, and that the members of the Phi-Kappa Society be requested to unite with us in this testimony of regard.

Resolved, That the members of this Society attend at the residence of the deceased on to-morrow, to walk in procession to his place of burial, and that the members of the Phi-Kappa Society be likewise requested to join us.

Resolved, That these resolutions be published in the gazettes of the town, and that a copy of the same be transmitted by the committee to the bereaved and deeply-afflicted family of the deceased.

Resolved, That this Society transact no business on to-day, and adjourn until Saturday, as an additional mark of respect to the deceased.

E. W. HARRIS,
A. S. ATKINSON,
J. FELDER,
Committee.

NOTE TO THE MEMOIR OF JUDGE CLAYTON.

Since writing the memoir of the Hon. A. S. Clayton, a communication has been received from one of his sons,* giving an additional account of the early life and subsequent career of his father,—which is subjoined, and also the letter to which it refers. They were intended as a guide to the author in preparing the memoir in his own language; but he prefers to give them as they were written, though a few particulars may be repeated which appear elsewhere. He could not substitute his own words with any hope of improvement.

The letter answers certain questions propounded by the author.

1. My father, AUGUSTIN SMITH CLAYTON, was the son of Philip and Mildred Clayton. His mother's maiden-name was Dixon. He was born at Fredericksburg, Virginia, on the 27th of November, 1783. His parents removed to Georgia when he was about a year old, and settled in Richmond county, where they both died, I think, soon after the collegiate education of my father was completed. My grandmother died some time before. I have not the dates; nor do I suppose them at all necessary. Both were dead at the time of my father's marriage, if I recollect aright.

2. My mother has no certain information as to his early education, but thinks he was at one time under the tuition of the late William H. Crawford. We *do know*, however, that he was a student at the Richmond Academy when Gen. George Washington visited Georgia in the year 1791. In my father's library is a copy of Sallust, presented to him by Gen. Washington, in which the following appears:—

“Premium of the President of the U. S. to Smith Clayton, a student of Richmond Academy, as a memorial of his esteem, and a premium due to merit. Presented by his request

“(Signed,)

ROBERT FORSYTH,
A. BALDWIN.”

And immediately, in my father's own handwriting, is this:—

“The speech which produced the above was spoken at the age of seven years and four mos.”

He was a graduate in the first class of the University of Georgia. I have no means by me to ascertain the year. You are perhaps correct in naming 1804.

3. He read law with Judge Thomas P. Carnes, and was admitted to the bar at Washington, Wilkes county.

4. He first located in Franklin county; but, after remaining one year, he removed to Athens, where he resided during the remainder of his life. He was married on the 20th December, 1807, at Augusta, to Julia Carnes.

5. He died at Athens on the 21st June, 1839. Eight children survived him, four sons and four daughters,—viz. : George R. Clayton, a prominent lawyer of Columbus, Mississippi; William W. Clayton; Philip Clayton, who was appointed Second Auditor of the Treasury Department of the

* William W. Clayton, Esq., of Kingston.

United States in the year 1849, and has held the position through both Gen. Taylor's and Gen. Pierce's administrations; and Edward P. Clayton, a commission-merchant of Augusta. My sisters are—Almira Dallas, who married Joseph B. Cobb, youngest son of the late Hon. Thomas W. Cobb; Julia Smith, who married Francis G. Baldwin; Claudia Caroline, who married John Howze; and Augusta, who married William King, Jr. Mr. Cobb lives very near, and Mr. Baldwin in Columbus, Mississippi, Mr. Howze at Marion, Perry county, Alabama, and Mr. King at Savannah. All the above-mentioned were alive at last accounts, (January, 1857.) My father never lost but one child,—his second son, named for himself, who gave the highest promise. He was an untiring student, was admitted to the bar before he was of age, and died the next week.

I have now replied to all your direct questions, and, I trust, with sufficient distinctness.

From the long letter of my eldest brother, George R. Clayton, who was in the practice of the law with my father some five or six years before he removed to the West, I at one time thought to cull such facts as were essential in the accomplishment of your design; but, upon more mature reflection, I have concluded to enclose it to you as it was received. It is full and explicit, though written, as must be observed, in great haste. Very nearly all the particulars enumerated by him have come under my own observation, and I fully corroborate them.

The letter referred to by my brother in relation to the bank transaction I withhold only because of the severe reflections upon the betrayer of his confidence. One expression from the letter will disclose to you the state of my father's feelings at the time. He says, "With the exception of the loss of your brother Augustin, it has inflicted the most unmitigated torture of mind that a life of now nearly fifty years has ever afforded." I can, however, give you an extract pertinent to the question. Let me premise by saying that the money taken on with him to Washington City was to pay the balance of his portion (one-fourth part) of the machinery for the Athens factory, to Messrs. Rogers, Ketchum & Grosvenor, of New York. "I have also informed Rogers & Co. of my misfortune. Besides, as soon as my mess here learned how I had been treated, they spontaneously, and perfectly unsolicited, offered their names to go into the bank for the amount I wanted, and suggested the step, stating that under my peculiar circumstances I ought not to let a matter of pride prevent me from removing my embarrassment, so far as it related to the payment which was expected by Rogers & Co. in New York. I yielded to their suggestions; and Gen. Robinson, Judge Mangum, Judge Bouldin, Col. King, and Capt. McIntyre, all endorsed a note immediately for three thousand dollars. Col. King went with me this afternoon to the President of the bank, and, after stating my situation, received for answer that he thought there would be no difficulty in getting the amount for at least four months. We had desired till the meeting of the next Congress. He said he would lay the matter before the board in the morning and give me an answer at 12 o'clock."

This letter was written on the 4th of March, 1833, and the day before his note was discounted. The transaction was one of a purely business character, and would never have been made but for the urgent solicitations of friends (some of whom at least were opponents of the United States Bank) and the peculiar circumstances under which he was placed.

The charge of being bought up by the bank was as *base* as it was *false*.

I know that with regard to the unconstitutionality of the United States Bank my father's opinion was never changed; for, in a conversation with him upon the subject about a year before his death, he stated distinctly that *Congress had no power to charter a bank under the Constitution*, but that it seemed, from the situation of affairs at that time, the great derangement of the currency, the exorbitant rates of exchange, (being as high in many instances as fifteen per cent.,) and the suspension of specie-payments by the State banks,—and all this happening so soon after the downfall of the United States Bank,—he was inclined to think it necessary to have a regulator of the currency, and that he would not object to see the Constitution so amended as to confer upon Congress the power to charter an institution of the kind, with all proper restrictions and safeguards.

It may not be amiss to relate an incident which occurred at the time my father connected himself with the Methodist Church in Athens, as it gave unquestionable evidence of the thorough work of the grace of God upon his heart.

For a long time he had the most supreme contempt for the editor of the —, and would not deign to speak to him. This was occasioned by an unfair, unjust, and violent opposition to him, which was continued even after he retired to private life. It was carried to such an extent that one of his sons, feeling that “forbearance had ceased to be a virtue,” called upon the editor. . . .

This circumstance is mentioned merely to show the bitterness of feeling which existed. Now for the incident.

On the Sabbath morning in question, the meeting having been quite crowded, upon the call of the minister for any who might desire to attach themselves to the Church, there appeared at the altar my father, accompanied by my mother, and soon after the editor before mentioned. They were received by the minister; and, immediately on seeing him, my father, still affected with paralysis, tottered up to the editor and extended his hand, thereby indicating to the world that as “his trespasses had been forgiven,” so he forgave those of others. It was received in like spirit; and upon the Christian's altar all animosities were forever buried. The scene was touching, and produced such a thrill throughout the whole audience as to cause many an eye to glisten with the sympathetic tear.

My brother, as you will see, suggests the propriety of a visit to Athens, to see if I could not collect something from among my father's papers that might be valuable to you. Having overlooked most of them before removing to this [Cass] county, I feel pretty well satisfied that nothing additional could be procured. I regret that my father did not keep a copy of his correspondence. He retained no copies, except of letters on special business. I am therefore denied the pleasure of offering you any thing of this style of his writings. Judge A. B. Longstreet and my father were intimate friends, and he may have some of his letters that might be interesting. I cannot think of any one else at this time to whom to refer you.

If you could obtain a copy of a work entitled “The Mysterious Picture, by Wrangham Fitz-ramble,” of which my father was the author, you there have a style differing from his political writings. I have no copy of my own, nor can I inform you where you would be likely to procure one. The edition is exhausted; all copies, therefore, are in second hands.*

* The author obtained a copy more than twenty years ago, and has it now, bound with other choice literary pamphlets, in his library.

He also wrote for Col. David Crockett, in his lifetime, a work entitled "The Life of David Crockett, written by Himself." This was, for the most part, of a political character. I had a copy, but it has been lost.

From the letter of George R. Clayton, Esq. referred to in the preceding, extracts are here given, further to illustrate the character of Judge Clayton:—

As a man, he possessed an unbounded benevolence and was sensitive to the sufferings of the poor. Frequently have I known him when, from the scarcity of corn and provisions, much distress among the poor prevailed, and when he had it for sale and the price *very high* on account of the scarcity, open his cribs to the poor and let them have it without charge. And I can safely say that no man was ever denied provisions, when he could possibly spare any, because they had not the means of payment. This was a trait in his character I have often thought of with pride and admiration. There were a good many poor families residing near his plantation; and during years of scarcity, (which was frequent in that section of the country, as the soil was very poor and unproductive,) provisions were supplied to these families without charge, or on the most liberal terms, instead of high prices from those who were able to pay the cash.

He was a man of nice, delicate feelings, and very strong attachment to those with whom he was familiar. But such was his fondness for wit and cutting satire, that he rarely let an opportunity escape him in exercising it upon his best friends; and, no doubt, he has often wounded feelings where no unkindness was intended. His *wit* was without *malice*, and was more the result of a lively humor than a desire to injure feelings. From his mind it wholly passed away with the moment and the occasion; yet I have no doubt it left behind many a secret enemy. He was always generous with his wit. It afforded him as much pleasure and amusement to be himself the subject of a good repartee as to exercise his wit on others.

In his domestic relations he was very free with his children, often making them the subjects of his wit, and allowing them full latitude in their replies and witticisms on him. He therefore became a common centre for the witticisms of his family; and, whenever one of his children made a successful hit, the child, instead of being reprovèd, was considered as having won a laurel. I recollect an instance which delighted him. He had told an anecdote which ran thus:—A gentleman, travelling through the Indian nation, stopped at a spring to take some refreshments; and, whilst there, an Indian came to the spring, with whom the gentleman entered into conversation. He asked the Indian what was his employment, who replied that he was a preacher. He was asked where he preached. The reply was, at the upper town and the lower town. He was further asked if they paid him any thing for preaching. "Yes," was his answer. "How much?" said the gentleman. "Upper town pay two dollar and lower town pay one dollar." "That is *d—n poor pay*," said the gentleman. "Yes, but *d—n poor preach, too*," replied the Indian. Soon after this anecdote was related in the family, my father was elected to some office, and I asked him what salary he was to receive. He informed me; and I replied that I thought it a poor salary. "Yes," said one of my *little sisters*, "*but it is d—n poor preach, too*." This so delighted him

that she was the toast of the family for a week afterward. She had bearded the lion in his den and come off victorious.

He always encouraged his children to exercise their wit upon him, and was pleased when any of us were successful. My wife, never having been accustomed to that kind of freedom in children toward parents, when first introduced into the family thought us the most disrespectful children to parents she had ever seen, and so expressed herself to me. But she soon found it was *freedom* without *disrespect*, and *pleasantry* without *rudeness*, and had resulted from the vivacity, wit, and humor on the part of my father whilst in social intercourse with his family. He was an impulsive man, erring and repenting almost at the same moment. He was quick-tempered,—would sometimes act under a state of passion, and repent of it afterward, although the act itself might have been correct. He rarely ever chastised a child or servant, and, if he ever did, it was in a passion; and, whenever his passion subsided, he would weep like an infant for having done it.

As a judge, he was peculiarly sensitive to a rigid maintenance of the independence of the bench as against popular clamor and opinion. He derived his ideas of the independence of the bench and the course for a judge to pursue in a great degree from the example of Lord Mansfield in the celebrated case of Mr. Wilkes. He was greatly impressed with the remarks of Lord Mansfield in that case. I have often heard him repeat them, particularly that portion commencing, "But here let me pause."

It is fit to take some notice of the various terrors being out, the numerous crowds which have attended and now attend in and about the hall, out of reach of hearing what passes in court, and the tumults which, in other places, have shamefully insulted all order and government. Audacious addresses in print dictate to us, from those they *call* the people, the judgment to be given *now* and afterward upon the conviction. Reasons of *policy* are urged, *from danger to the kingdom* by commotions and general confusion. Give me leave to take the opportunity of this great and respectable audience to let the whole world know *all such attempts are vain*. Unless we have been able to find an error which bears us out to reverse the outlawry, it must be affirmed. The Constitution does not allow reasons of state to influence our judgments. God forbid it should! We must not regard *political consequences*, how formidable soever they might be. If rebellion was the certain consequence, we are bound to say, "*Fiat justitia ruat cælum.*" I wish *popularity*, but it is *that* popularity which *follows*, not that which is *run after*: it is that popularity which, sooner or later, never fails to do justice to the pursuit of *noble ends* by *noble means*. I will not *do* that which my *conscience* tells me is *wrong* upon this occasion to gain the huzzas of thousands or the daily praises of all the papers which come from the press. I will not *avoid doing* what I *think is right*, though it should draw upon me the whole artillery of libels,—all that falsehood and malice can invent, or the credulity of a deluded populace can swallow.

See the remarks at large in the 4th volume of Burrows's Reports, p. 2561, *Rex vs. John Wilkes, Esq.* I have often heard my father repeat the above remarks of Lord Mansfield and speak of them as the true *test* of an upright judge. They had made a very deep impression on his mind; and, when he came upon the bench, he has often said to me that he took those sentiments as his guide of action. And, in examining his history as a judge, I think it will be found that he never looked to consequences to himself or faltered in the course pointed out by those sentiments. Upon several occasions he was compelled, in the discharge of official duties, to resist *popular clamor* and *prejudice*. In one case (I think it was in Habersham county: it was the case known as the Indian Reserve Case) I understood he was threatened with personal violence by

the mob for his decision in favor of the Indians, and his friends were on their guard to prevent it. Col. Samuel A. Wales may remember the circumstances.

The last judicial act of his life deprived him of his office, and which I have always looked upon as the proudest of his public career. I allude to the decision in favor of the Cherokee Indians, and which was noticed in Gov. Gilmer's Annual Message to the Legislature in rather a rude manner, asserting that the policy of the State in acquiring possession of the Indian territory had been frustrated by the decision of a judge, &c. This decision was made a short time before the meeting of the Legislature at which a judge in his circuit was to be elected for the constitutional term. He was a candidate for re-election without opposition from any person of his party, and they in power at the time. His re-election was considered certain; when some of his intimate friends ascertained what would be his decision in the case, and, knowing that it would raise a great clamor against him, as it was in direct opposition to the policy of the State and the prejudices and desires of the people in acquiring the possession of the Indian territory, and also in some degree affecting the stability of the party in power, as the acquisition of Indian lands was one of the party hobbies of the day, and not absolutely necessary that the decision should be made public before the election, the suggestion was made to him by friends who greatly desired his election that the decision should be postponed until after the election. This he declined, preferring the character of an upright and independent judge to the office. Some of his best friends—among them the lamented Judge Dougherty—differed from him in opinion. As to the correctness of the *opinion* I have nothing to say. That is a matter to be judged by the public. I only mention it to show a trait of character he possessed in an eminent degree as a judge,—to wit, *independence*; for every motive of a personal kind and every inducement of a selfish nature would have prompted to a different decision.

The decision was made just before the election, and, as expected by his friends, it created great opposition to the renewal of his term of office. Judge Dougherty had been elected a member of the Legislature from Clark county. He resigned his seat within a certain time, became a candidate for the judgeship, and was elected. Up to this time Judge Dougherty had been the warm personal and intimate friend of my father, and I have not the least doubt continued to be so to the day of his death, though my father was much hurt with him at the time. Judge Dougherty's position was simply this: I have no idea that he would ever have come in competition with him so long as my father desired the office and there was any probability of his election; but Judge Dougherty's friends looked to him as the successor of my father to the judgeship of the Western Circuit, and no doubt he desired it himself. After the *decision* had been made, Judge Dougherty and his friends (and who were also the friends of my father) became satisfied that his re-election was impossible; and, as they were unwilling that any other person should occupy the position which had been designed for him, Judge Dougherty was prevailed upon to become the candidate,—not so much to defeat my father as to prevent any other person from stepping in ahead of him.

I am satisfied, from the state of feeling at that time, that almost any one would have been elected over my father. Many of his friends, knowing the cordial relations that existed between them, as well as the con-

nection by marriage, were disposed to censure Judge Dougherty for the opposition; but I have ever been able to do justice to his purity of motive, and my father also became satisfied of his sincere friendship, as their continued intimacy proved. Notwithstanding his defeat for the judgeship by his own party, they still entertained for him the highest regard, and sought to make amends immediately by placing him in another position. The objection was not so much to the man as to the decision. It became necessary to sacrifice the judge in order to carry out the policy. This was a sore trial to his party, among whom he had many friends who were satisfied that he acted from the purest motives in the discharge of duty.

At the time of this election a vacancy had occurred in Congress by the resignation of one of the Representatives* from Georgia, and the vacancy was soon to be filled. His political and personal friends, who had just aided in his defeat, insisted upon placing the name of my father before the people for the office. Members of Congress were then elected by general ticket, the district system having been since adopted. At first he unhesitatingly declined. I never saw him more *mortified* in my life than at his defeat for the bench,—not that he regarded the office as of any consequence to him, but his mortification arose from the defeat, *by his own party*, for (what he conceived) an *act of duty*, and the peculiar circumstances under which he was defeated. He stated to me that he would go home and retire from public life, and never again be a candidate for office. And such was his determination up to the night before he left Milledgeville. His friends were very much opposed to his leaving Milledgeville under such a feeling of mortification. On the night before he left, Dr. Henry Branham, an old personal and political friend, called to see him after he had retired to rest, and, seating himself by his bedside, remained with him until midnight,—in fact, never left him until he had in some degree reconciled him to his defeat and procured from him a promise to suffer his name to be announced as a candidate for Congress. I was not present at the interview, but know that it was long and earnest on the part of Dr. Branham, who, I believe, was a sincere friend of my father, though I am impressed he voted against him for the judgeship: yet of this I am not certain.

On next morning his name was announced as a candidate for Congress, which resulted in his election by the people. This trust was afterward renewed by his constituents until he voluntarily retired from the position. The documents and papers of the day afford something of his political history, which I have not within my reach to consult.

He was very poor when he commenced life. His father left two sons and an unmarried daughter, with small property. To his sons he gave a liberal education, and to his daughter all his property. I have often heard him say that when he commenced his profession he had but one object in view, and that was a support. But after he obtained a support his ambition for distinction was aroused. At first, fame never entered into his calculations. Poverty so stared him in the face that he looked upon it as the only foe with which he was called upon to contend. He amassed a good fortune, leaving his widow and eight children in independent circumstances.

With regard to his religious sentiments, he was, as stated in the funeral discourse of the Rev. Whiteford Smith, skeptical. My mother first

* Hon. Wilson Lumpkin, who was elected Governor in 1831.

united herself with the Methodist Episcopal Church before any church-building had been erected in Athens. I can just recollect it. There were but two or three Methodists in Athens at the time. The father of Methodism in Georgia—the Rev. Hope Hull, the ancestor of Mr. Asbury and Dr. Henry Hull—had a country church a few miles from Athens, in which he preached to a small congregation. Not a vestige of this building is left. My mother united herself to this church with the full and free consent and approbation of my father; and, in fact, he was pleased at the course she adopted, though skeptical himself at the time. She is now the oldest member of the *Athens Church*, and has through a long life exhibited the power and truth of Christianity.

My father was always delighted with the morality of the Bible, and has often said that it could only have originated from Divinity. The human mind could not have conceived it, as it was far above human thought. He practised the morality of the Bible in his intercourse with his fellow-men; but the doctrine of salvation by faith in and through Christ seemed to be his stumbling-block. This doctrine was a mystery to him. He believed that man would be judged by *his works*, and he was *working* to that end.

As I before stated, he was remarkably charitable, always paying annually his full proportion, to the extent of his means, for the support of the gospel, endeavoring at all times to “render unto Cæsar the things that were Cæsar’s;” but he failed to “render unto God the things that were God’s.” His error consisted in *too great* reliance on himself,—a fatal error, which many commit. I have often known him to quiet himself by comparing his own life and conduct with unfaithful members of the church, and would frequently ask my mother, who was very solicitous for his conversion to Christianity, whether she would have him exchange his prospects of salvation with these unfaithful members. He has often entered into conversation with my mother on his skeptical views of the doctrine of salvation through Christ; and, although she was not able to compete with him in argument, her pious life was a sufficient refutation. His confidence in her religion was never shaken. He was devotedly attached to her, and she had an unbounded influence over him; and I believe she never lost faith in his renouncing his error before his death. In this her faith was fully realized, for before his death he made a public recantation of all his errors on the subject of religion. Many years before his profession of religion I had removed to Columbus, Mississippi, and have a letter from him in which he first announced to me his change of opinion on that subject, an extract from which is here given:—

ATHENS, August 21, 1838.

MY DEAR GEORGE:—Under the late, and doubtless distressing, intelligence you have received of my health, (an attack of paralysis,) I have supposed that a few lines under my own hand would be peculiarly gratifying to you; and hence the present feeble attempt. I am very far from being restored even to my former condition; but I am certainly in a progress toward it, which I never at one time expected. I have nearly recovered the strength of my afflicted arm and hand, and, in a good degree, regained my speech. Indeed, as to the latter, I feel sensible that its greatest defect arises more from a weakness of the lungs than a muscular inability of the organs of speech.

I am flattered by medical men, and I flatter myself, that I may ultimately recover; that the rigid regimen under which I am now placed to remove the severity of my last attack will, if it succeed in that object, carry with it the old disease. I confess I am not sanguine, for my old complaint is almost too deep-seated to hope for an entire cure. And although I may be measurably relieved from my paralysis, at

least so as to linger out some few years, yet I dare not hope for a hearty restoration to health; and taking all my afflictions together, and the periodical and progressive character of their warnings, I have determined to appreciate them, as perhaps they may have been meant, as chastisements intended for my future peace. And it gives me great satisfaction to inform you that, though late, yet I trust not the less comforting, I have thrown myself unflinching upon that reliance which has so long been the hope and comfort of yourself and your dear mother.

I have most sincerely repented of my past follies, and do now embrace, with unfeigned sincerity, the truth of the Christian religion; not that I feel or have felt any secret communication of divine influence upon my heart, any further than as I am impressed with a sense of duty, and as a reasonable service which is due from the creature to his Creator, and that infinite obligation imposed by the ten thousand blessings we have enjoyed and do daily enjoy. There is fealty due somewhere for our existence and its numerous favors; and where does it so properly belong as to their great Author? This I feel, and this sentiment I cherish and cultivate. And, as there is no better code of duty than that furnished in the Bible, I do most cheerfully, from this time out, receive it as my guide and director, throwing myself upon its promises in and through the strong assurance of faith. I receive it without further cavil or dispute, and hope finally to realize, by a constant observance of its commands, that I have not made myself the dupe of a blind faith. I hold that a blameless life and conversation, and a perfect conformity to the will of God as known and understood, is the best evidence of a changed heart, and shall try to square my future life by this most reasonable test.

His religious views and feelings from the date of this letter to the time of his death may in a great degree be found in the funeral discourse of Dr. Smith.

In relation to the loan made by the United States Bank, I think my father made a public exposé of the whole matter in some of the Georgia papers. The facts were simply these:—

He had borrowed a large sum of money to pay for his shares of stock in the Georgia factory, and carried it with him to Washington City, when he went on to Congress, to settle for the machinery, or his portion of it. When he arrived there, he found the Georgia money which he took with him at considerable discount, and was advised by a friend to send the money to Augusta and procure a check on New York, which could be purchased at a small premium. He sent the money to A. McKenzie, his commission-merchant in Augusta, with the request that he would purchase a check and forward the same immediately. McKenzie used the money and he lost it, or the greater portion, which placed him in a very peculiar and distressing situation. His *mess* (and among them the late Vice-President, Col. King, of Alabama) insisted upon his obtaining the money from one of the banks in Washington City, and endorsed his note for him, and thereby enabled him to perform his contract with the party from whom the machinery had been purchased. The note was discounted by the branch of the United States Bank in Washington City, in the due course of business, on short time, and was paid at maturity. Out of this transaction arose the charge, made in a heated political contest, that he had been bought up by the bank, &c. If he ever changed his views and opinions relative to the unconstitutionality of the United States Bank, I am not aware of it; and, even if he did, this purely business-transaction could have furnished no inducement for such a change.

I omitted to mention in the proper place that my father was emphatically a *peace-maker*, and did much good in quieting difficulties between his neighbors. When any difficulty arose between the students and the faculty of Franklin College, (which was frequent,) the delinquent student always came to him for advice and his influence in adjusting the affair; and he rarely ever failed in restoring the students to their place in col-

lege and in the respect and regards of the faculty, as many a graduate of the Georgia University can fully attest.

Since the foregoing was arranged for the press, the author has obtained from a file of the *Georgia Journal* of November 14, 1831, a copy of Chancellor Kent's letter to Judge Clayton, which is subjoined, together with the note of Judge C. introducing it:—

MILLEDGEVILLE, November 12, 1831.

MESSRS. EDITORS:—You will confer a favor by publishing the following letter of Chancellor Kent. In making this request, I have only to remark that the sole consideration for making it is to submit the testimony of one, in favor of my legal reputation, whose character as a jurist will entitle his evidence to great weight. He is justly considered the Blackstone of America, and his character as a lawyer stands as high in Europe as it does in his own country. He has never been engaged in either party or political strifes, and his whole life has been devoted to legal research. This publication is asked under not the slightest temper of complaint for my late removal from office; for I hope I shall have it in my power, at a more convenient season, to lay before my fellow-citizens such a statement of the whole matter as will show there is no necessity, on my part, for either ill-will or reproach.

Respectfully, yours,

A. S. CLAYTON.

NEW YORK, Oct. 13, 1831.

DEAR SIR:—I was favored yesterday with your letter of the 3d inst., together with the *Southern Recorder* of September 29, containing your opinion in the case of the *State of Georgia vs. Canatoo*.

That opinion has been read by me with great care and attention; and, agreeably to your request, I subjoin the conclusions to which my own mind has arrived in regard to the two material points in the case:—

1. It appears to me that upon the whole the statute applies to the case. I can only judge from the extracts from it contained in your opinion. The statute asserts that the mines alluded to are *of right the property of Georgia, and it authorizes the Governor to take possession of those mines, and to employ force to protect them from all further trespass*. I presume such forcible possession has been taken, and that the offence alleged against the Cherokee Indian arose subsequently. But the statute is so exceptionable in reference to the rights of the Cherokees to their lands (and which include the mines therein, as well as the trees and herbage and stones thereon) under the existing treaties with them, and in reference to the Constitution and constitutional authority of the United States, that I agree with you that such a statute should receive an interpretation, *if possible*, favorable to constitutional and treaty rights. If such a statute does not apply *in very terms* to the very case of a Cherokee Indian digging in the mines, the benign intendment would be that the Legislature did not intend it, because such an intention would contravene the clear rights of the Cherokees to the undisturbed use and enjoyment of the lands within their territory, secured to them by treaty.

2. But the better way is not to rest upon any such construction, but to go at once, as you have done, to the great and grave question which assumes the statute to have intended to deprive the Cherokees, without

their consent and without purchase, of the use and enjoyment, in part at least, of their lands secured to them by national treaties, and which calls into discussion the constitutional validity of the statute.

On this point I am entirely with you, and in my opinion your argument is sound and conclusive, and you have examined the subject with candor and accuracy, and with the freedom of judgment which your station and character dictate.

I am almost entirely persuaded that the Cherokee title to the sole use and undisturbed enjoyment of their mines is as entire and perfect as to any part of their lands, or as to any use of them whatever. The *occupancy* in perpetuity to them and their posterity belongs to them of right, and the State of Georgia has no other right in respect to the Indian *property* in their lands than the *right of pre-emption by fair purchase*: no other interest in the lands, as property, belongs to the State; and to take possession of the mines by force is substituting violence for law and the obligations of treaty-contract. It appears to be altogether without any foundation to apply the common-law doctrine of *waste* to the case; and I cannot but think that the Legislature of Georgia would not have passed the statute if they had duly considered that the Indian lands have never been claimed, or the occupancy of them, in the most free and absolute manner by the Indians, questioned, either by the Royal Governments before the American Revolution, or by the Union, or by any State since, except in open wars, or except the claim was founded upon fair purchase from the Indians themselves.

The proceeding of Georgia in this case is an anomaly, and I think it hurts the credit of free and popular governments and the moral character of our country, and is in direct violation of the constitutional authority of the United States as manifested by treaties and by statutes. I cannot think that the high-spirited, free, and noble race of men who compose the citizens of Georgia would be willing, on reconsideration, to do any such thing.

Yours, respectfully,

JAMES KENT.

Hon. A. S. CLAYTON.

VII.

PAUL COALSON.

It is the prevailing custom to speak of the early dead with more than ordinary regret, because, had they lived, there was evidence to justify the hope that they would have reached high places and acted a useful part in the community. If this indulgent view be a weakness, it is at least an amiable one. It can be accounted for by the fact, within every man's experience, that the presence of an object does not afford that interest to the beholder for the time-being which the imagination supplies after the object is withdrawn, and especially when distance or death renders it impossible to behold it again. On this principle we invest the memory of a rising young man with a charm which cannot be exerted over us by any amount of living excellence.

The author confesses this relation to the gentleman whose character is under review. Their acquaintance did not exceed a year on the circuit; yet in this brief period a warm personal friendship was matured, and greatly increased by the cordial hospitality which the author experienced from Mr. Coalson and his family connections. He was obtaining a good practice in Thomas and the adjoining counties which he attended. In all his cases, whatever the amount or principle involved, great or small, he was equally industrious, sanguine, and persevering. His was a temperament that could submit to labor and at the same time indulge its lively propensities. Truly can it be said of him, that if he had lived twenty or thirty years longer his reputation at the bar would have been enviable. His short history can soon be unfolded.

PAUL COALSON was born in Burke county, Georgia, on the 19th day of August, 1799. After passing through the primary schools of his neighborhood, he was sent to Eatonton, where he was placed under the tuition of Rev. Alonzo Church until he was prepared to enter college. From the school at Eatonton he went to Athens, became a student of Franklin College, and graduated in August, 1824. For the last year or two of his collegiate course he devoted his leisure moments to the study of the law under the direction of Judge Clayton, and, shortly after graduating, was admitted to the bar at Athens.

In the spring of 1825, Mr. Coalson married Miss Elizabeth G. Blackshear, daughter of Edward Blackshear, Esq., of Thomas county. He continued to reside at Athens the balance of that year, and then removed to Thomas county, where he opened a law-office. That portion of Georgia was then on the Indian frontier, and the abode of a miserable population, such as the adjoining wilds of Florida had invited. Robberies and murders were frequent, sometimes perpetrated by white men and most generally shifted off on the Indians. The Hon. Moses Fort, Judge of the Southern Circuit, held the first court in Thomas county in 1826. Two Indians were convicted before him for the offence of murder. They had killed a man by the name of White as the latter and his friends were trying to recapture certain property which the Indians had stolen. The late William H. Torrance, Esq. was appointed by the court to see that the prisoners had a fair trial. His plea to the jurisdiction of the court, on the ground that the offence was committed in Florida, (within certain disputed lines,) having been overruled, very little could be said to the merits. The solicitor-general (since Judge Warren) had the assistance of Mr. Coalson,—if not in the argument, at least in the evidence. It is presumed, however, that the prosecution needed no very special aid, as there was no adverse public opinion to combat.

When the prisoners were brought before the court to receive sentence of death, they were told through an interpreter what was to be done with them,—hung by the neck until they were dead. The judge omitted to invoke the usual blessing,—“May God have mercy on their souls!”—for the reason that the prisoners did not understand English.

The successor of Judge Fort on the bench was the Honorable Thaddeus G. Holt, who was elected in 1828. In the spring of 1829, the author attended him on the circuit, which then consisted of thirteen counties,—Twiggs, Laurens, Pulaski, Telfair, Irwin, Appling, Ware, Lowndes, Thomas, Decatur, Early, Baker, and Dooly, occupying about nine weeks, and the judge and bar travelling upward of six hundred miles to complete the riding. At Lowndes the bar was joined by Mr. Coalson, whose society was ever agreeable, and his peculiar earnestness in his causes quite refreshing.

By his marriage, Mr. Coalson secured a large family influence, which was of great advantage to him in the profession. Thomas county is well known for the wealth and upright character of many of its citizens, among whom may be mentioned General Thomas E. Blackshear, Thomas Jones, Mitchell Jones, E. R. Young, William

H. Reynolds, Thomas Wyche, Duncan Ray, Lucien H. Raines, Thomas Mitchell, the late James J. Blackshear, Captain Thomas Johnson, Daniel McIntyre, Col. Richard Mitchell, Nathaniel Mitchell, Michael Young, and others, all of whom were men of sterling worth and of high position, more or less connected with Mr. Coalson, and all his especial friends and patrons. The brothers Mitchell were the uncles of Mrs. Coalson, whose mother was Emily G. Mitchell previous to her marriage with Edward Blackshear, in Montgomery county, who died on his large estate in Thomas county in 1829; and on the 23d day of March, 1830, his son-in-law, the warm-hearted Paul Coalson, breathed his last, in the thirty-first year of his age. His eldest son, Edward B. Coalson, is now a wealthy planter in Thomas county, having married a niece of the late Major John Young, of Macon county.

In those days (1829 to 1834) several members of the Florida bar practised in the Superior Courts of Georgia, particularly in Thomas and Decatur counties, and by their legal ability and social qualities contributed much to the enjoyment of the profession. Among them were Gen. R. K. Call, since delegate in Congress and Governor of the Territory; Hon. James D. Westcott, United States Senator; Hon. Leslie A. Thompson and Hon. Charles H. Dupont, Associate Justices of the Supreme Court of Florida; Hon. Thomas Baltzell, Circuit Judge; John K. Campbell, Esq., United States Attorney for the Middle District; James A. Berthelot, James A. Dunlap, Francis A. Cash, Philip S. White, (brother of the Hon. Joseph M. White,) Oscar White, his cousin, and Col. Richard H. Long, formerly of Wilkes county, one of the Broad River Colony mentioned in Gov. Gilmer's work, "Georgians."

Of the gentlemen named above as mingling with their Georgia brethren in the contests of the forum, several are known to be dead. Mr. Campbell was killed in a duel in Thomas county, August, 1833, by Mr. George Hamlin, a merchant of Florida, who died in a few months afterward from distress of mind. Messrs. Dunlap, Cash, Berthelot, and Oscar White are also in the grave.

Before taking leave of the Florida bar, the author will be pardoned for dwelling on the peculiarities of two of its members,—both fine story-tellers and teeming with fun. Mr. Westcott had been a clerk in the State Department while Mr. Van Buren was Secretary, and could imitate the manner and *official bearing* of the different heads of Department, with Gen. Jackson as the master-spirit. He could repeat with diplomatic gravity or with the easy, conversational flow of words, as the case might require. The scenes

were often amusing in the extreme. He had imbibed the spirit of each character, and drew only life-pictures,—nothing like caricature. It was indeed a treat of the highest order to see him in one of his best moods. Ten or fifteen years afterward, in the Senate, he was noted for his independence and wit and racy humor in debate. He had fought a duel with Judge Baltzell.

Phil. White, as he was familiarly called, was also a duellist, but a man of great suavity of deportment and of mirth-provoking qualifications. His stories were inimitable, and there was no scantiness of supply. Those who once heard him can never forget the voice, the looks, the whole reality which made his entertainments so amusing. No stage representation was so true to nature. In high life, in all classes,—among the learned and the illiterate, the sprig of fashion or the country clown, the man of common sense or the stupid dolt, men wise or humble in their own estimation,—nothing came amiss with him. He set before you the originals in comedy as Booth did in tragedy. Mr. White was not then a *rigid* temperance-man. It is said that he has since acquired considerable celebrity and been extensively useful as a travelling lecturer.*

And here the author makes no apology for introducing in this memoir John Taylor, Esq., whose acquaintance he formed in 1829, at Thomas Superior Court, through the politeness of Mr. Coalson. Mr. Taylor was a Virginian,—a highly-educated man, his genius sparkling before a jury, his action graceful, and his style ornate,—between the melting compactness of Erskine and the rich drapery of Phillips. Let not this comparison raise a smile. There are witnesses now living in the southern counties of Georgia who will

* Mr. White has resided in Philadelphia since 1841. He first held the office of Grand Worthy Patriarch of the Sons of Temperance of the State of Pennsylvania, and then Most Worthy Patriarch of the Order for North America. He visited every State and all the principal cities and towns in the Union, delivering temperance addresses amid the greatest public enthusiasm,—from the Park in New York, before forty thousand people, down to country villages,—inducing over two hundred thousand persons to take the pledge of total abstinence. He also extended his triumphal visits to Nova Scotia, New Brunswick, and other sections of the British Provinces. During his Temperance campaign from 1843 to 1855 he was everywhere received with the highest honors, and has been met by processions of four or five hundred Sons of Temperance in full regalia, on horseback, with bands of music, and escorted in a carriage drawn by six horses. His likeness has appeared in several costly annuals, and memoirs of him have been published establishing his reputation as one of the most effective orators that ever advocated the temperance reform. By special invitation he has addressed several State Legislatures on the subject of prohibitory laws.

sustain any amount of eulogy or any extravagance of description as to his gifts, his stirring eloquence, his deep pathos, his scorn of mankind, and his marked severity. He was a compound of flaming passion, pure rhetoric, haughty bearing, sarcastic words, and, when he chose to be so, was gentle and persuasive in argument. He treated the members of the bar generally with civil coldness, and kept to himself. He sought no companionship; but, if by accident he was drawn into conversation, he was decorous and agreeable, yet evidently reserved.

Mr. Taylor was mostly employed in cases sounding in damages,—slander, malicious prosecution, and the like. In these he put forth his extraordinary powers of declamation. He was attentive in preparing his cases, in securing the necessary proofs, and was always master of the business in hand. He had some pretty good recoveries. If he could find a rich man—such as the late Lewis Bond, Esq., worth half a million—prosecuting some poor individual for *supposed trespasses* on his large stocks of cattle in the wire-grass region, Mr. Taylor was then in the only paradise earth afforded him. On such occasions he rose to the sublime of malignity and abuse. Mr. Bond was in the habit of visiting his stock-range every spring and calling on his herdsmen for an account of their flocks. Where depredations or *ugly mistakes* had been committed, he generally preferred bills of indictment and turned the matter over to the court and jury. Mr. Taylor was frequently of counsel for the accused. On such occasions Mr. Bond quietly took his seat by the solicitor-general, gave the names of witnesses, suggested questions, and—*listened* to Mr. Taylor. What Burke said about Warren Hastings's administration in India was tame and complimentary alongside the comments Mr. Taylor made on the character and conduct of Mr. Bond. The author remembers one case where Mr. Taylor's client not only had a verdict of acquittal, but a malicious prosecution taxed. He also remembers that Mr. Taylor brought an action for damages against Mr. Bond in Wilkinson Superior Court; but he believes it was never tried. The counsel, perhaps, found it inconvenient to attend, or, if he attended, was discouraged by public opinion, and the action died for want of *nursing*. This was about the close of Mr. Taylor's professional career in Georgia. He thence departed westward.

Some years ago a very romantic story was circulated in the newspapers, in which Mr. Taylor was the leading hero. The scene was laid in Arkansas or Texas. It appears that a rich planter had insulted the wife of his overseer. She made it known

to her husband, who took the liberty of caning his employer on sight. The planter some days afterward shot the overseer, killing him instantly. He was prosecuted, but his money saved him from conviction. In the mean time he had spoken slanderous words concerning the widow, who brought her action for damages. The day of trial arrived. Sargeant S. Prentiss and Albert Pike appeared of counsel for the defendant. The case was called in its order; and such was the array of influence, the great wealth of the defendant, the ability of his lawyers, and the humble condition of the plaintiff, that even the young attorney who brought the action shrank from it and abandoned his client to her fate. The judge sounded the case again: no one responding, he appealed to the gallantry of the bar. There was walking in the lobby of the court-room a slender, woe-begone-looking personage, with a high forehead, pensive features, thin, compressed lips, and wandering blue eyes,—his visage of sandy complexion. He heard the appeal, and, advancing within the bar, modestly informed the court that he would represent the plaintiff. All eyes were turned on the stranger. No one knew him.

This was a perplexing moment. The judge remarked that no gentleman could be permitted to act as counsel without a commission to that effect. The stranger drew from his pocket divers pieces of parchment bearing signatures and court-seals from Virginia, Georgia, Alabama, Mississippi, Arkansas, Texas, and probably from other States, conferring on JOHN TAYLOR the privileges of counsellor and attorney-at-law, and solicitor in chancery. His name was then entered on the docket, and, asking a short indulgence, he found some one who kindly gave him the names of the witnesses, who answered to the call. He opened the case by reading the declaration and proving the words. He said but very little more, and gave way to the defence. Prentiss made one of his fine speeches, expended his wit freely, and also aimed a sneer at the plaintiff's counsel, whom he described as a reckless adventurer, unable to live by his profession in any one of the States in which he had been *incautiously* licensed. It was hardly worth the labor to trample upon such a pitiful case, supported by counsel who was himself an object of pity.

The learned Pike, with the garlands of poetry on his brow, rose to continue the argument of his friend Prentiss. The character of the plaintiff was denounced and that of the defendant extolled. The *obscure* attorney who had volunteered came in for a share of

his piercing wit and mischievous humor. Here the speaking for the defence closed with a flourish of exultation.

John Taylor stood before the jury. With his clear, piping voice, distinct in every syllable, and full of feeling and intellect, he took up the evidence, applied the law, and then made himself known. He ridiculed the *false wit* and *vulgar impudence* of the opposing counsel, until even the gallant Prentiss and the manly Pike felt themselves as children in the hands of a giant. Court, jury, spectators, bar, all gazed with wonder. Taylor rose higher and higher in his flights, until he had the audience spell-bound. He saw his advantage, knew his powers, and felt assured that the jury would give all the damages claimed in the declaration. He then turned to the spectators, who were much excited, and implored them not to lay violent hands on the defendant,—*not to rüle him on a rail*. They must forbear doing what justice prompted on the occasion. Fifty thousand dollars would be some punishment to a creature so sordid, and let him live to endure the scorn of all honest men. The jury retired, and soon gave in a verdict for *fifty thousand dollars!* Taylor was immortal.

The author does not vouch for the correctness of this story; but, from his own knowledge of Mr. Taylor and the inspiration under which he often spoke, he is inclined to believe it. This remarkable man practised law several years in Southern Georgia. He would have electrified even the Senate of the United States; and yet all his gifts were marred by a spirit of misanthropy which rendered him miserable, an exile in the midst of society.

While sketching with a free hand, the author will venture to relate a very laughable scene which occurred on the road from Franklin (the old county site of Lowndes) to Thomasville,—the like of which is not on record. Travel on the circuit, in the days referred to, was altogether in sulkies or on horseback. There were no buggies in use then. On a bright Sunday morning, as half a dozen sulkies and two or three outriders, forming the main column of the Southern bar, were proceeding on the march, all the wayfarers fresh and cheerful, a large fox-squirrel was seen to cross the road and ascend an old pine stump ten or fifteen feet high. Here was an opportunity for sport; and with a simultaneous leap from their sulkies came the men of law to *chunk* the squirrel from his retreat,—the horses being left alone, without any fastening, in the road. From the discharge of pine-knots at the squirrel, and the *hollering* to boot, one of the horses got alarmed and set off briskly without his driver. All the other horses followed

the example; and such a race of sulkies had never been, and never will be again. Away they sped in the open pine-woods. Occasionally a wheel would strike a stump or a large root, and then there would be a rattling, as if to stimulate the horses to their utmost diligence. The race drew gradually to a close,—or, at least, the sulkies were smashed and scattered about, some against saplings, some against large trees, and one was shivered into fragments on a log. Here the vehicles retired from the contest. Not so the horses. They kept on, seriously terrified, with harness flying in all directions.

While this *movement* was in full blast, the gentlemen of the law stood their ground. They saw it was a grand ruin, and that their only consolation was to be revenged on the squirrel, the innocent cause of their misfortune. The attack was renewed more fiercely than ever. Pine-knots and a prodigious expenditure of lungs on the part of his assailants brought down his squirrelship, bleeding and lifeless, at their feet. One of the party gathered up the trophy, and they all proceeded to view the race-track. Here one would pick up an overcoat, another an umbrella, one a whip; several identified their cushions; and at decent intervals spokes and segments of a wheel, portions of the seat, a loose dashboard, pieces of shaft, and other *relics*, were strewed along to show the battle-ground. Then sulky after sulky—some capsized, others resting with one wheel in the air, others so badly crushed that the owners could scarcely recognise them—would appear, until the whole number was answered. The trunks generally retained their strapping without material injury.

The law-travellers walked to a farm house, where they reported their difficulty, and asked for a wagon and team to take them and their baggage to Thomasville, some twenty miles. The request was readily granted, and in this conveyance the judge and his bar drove up to the hotel after nightfall. Their *detention* was explained amidst roars of laughter, in which our Florida brethren joined heartily. In the course of two or three days the horses were all brought in, and the remains of the sulkies taken to the carriage-shop, where there was a general fixing up,—the harness-maker also receiving his full share of patronage. Such was the *squirrel-frolic* of the Southern bar. Nothing of the kind has occurred since. At each subsequent riding, the ground has continued to be pointed out, with divers localities well remembered by the participants in the *sport*, though more than twenty years have

intervened. The adventure will pass as a tradition sacred to more primitive times.

This digression will be forgiven; nor will it be considered inapplicable in a memoir of this kind. The members of the bar are well known for their cordiality with each other on the circuit, especially when, in other periods, such as are now touched upon, they were together six or eight weeks continuously on a single riding.

From what has already been said of Mr. Coalson, it must appear that he was entitled to that warm love of his friends, that respect of his fellow-citizens, which it was his good fortune to possess. A gentleman* very competent to judge states, in a letter to the author respecting Mr. Coalson:—

He possessed in an eminent degree all the attributes of a good man. He was modest and unassuming, honest and honorable, candid and conscientious. When an application was made to him to engage his professional services, he never failed to make a close and scrutinizing inquiry into the facts and circumstances of the case he was expected to advocate. If he found it to be wrong in principle or oppressive to the weak and defenceless, he never hesitated at once to refuse his services. If he found it to be even of doubtful policy, or uncertain of its successful prosecution, he always made a plain and candid exposition before he would undertake it. In his intercourse with men, his *conscience* was his guide, and up to the time of his death he enjoyed the full confidence of all his friends and acquaintances. He was emphatically an honest man. I might relate some anecdotes which would more fully exemplify the traits of his character; but your intimate acquaintance with him will enable you to do so better than I can.

Mr. Coalson was a man of princely heart, and, however zealous in the court-house, he never carried outside of it the least unkind feeling toward any of his brethren; nor could they be so unmindful as to act coldly toward him for any sparring at the bar. He was indeed a delightful companion, and died too soon for his family, his friends, and his country.

The proceedings of the bar on the occasion of his death are here subjoined:—

GEORGIA, THOMAS COUNTY.—*Superior Court, May Term, 1830.*

Wednesday evening, May 5, 1830.—The members of the Southern bar convened in Thomasville on the 5th inst., for the purpose of paying a suitable tribute of respect to the memory of PAUL COALSON, Esq., a highly-respected brother of the profession, whose death has been announced during the present sitting, when his Honor Thaddeus G. Holt was called to the chair, and Thomas Porter, Esq., Solicitor-General, appointed secretary. The object of the meeting being stated, it was

* Gen. Thomas E. Blackshear.

Resolved, That a committee of three be appointed to draft a suitable preamble and resolutions expressive of the feelings of the Southern bar in relation to the death of Paul Coalson, Esq.; whereupon the chairman appointed Stephen F. Miller, Lott Warren, and Daniel D. Sturges, Esqs., as that committee.

The meeting then adjourned until to-morrow, three o'clock P.M.

Thursday, 6th May, 1830. The committee attended in open court, when Stephen F. Miller, Esq., reported the following preamble and resolutions, which were unanimously adopted:—

In the private ranks of society, when a useful and respected member is cut off by providential visitation, the regret throughout the circle in which he moved is generally proportioned to the good or indifferent qualities which marked his life. The occasion of our assembling as a brotherhood is to offer respect to the memory of Paul Coalson, Esq., our departed brother and fellow-citizen. The eulogy of the dead can be of no other avail than to manifest to the living the estimation in which virtue and talents are held, to soothe the anguish of surviving friends, and to stimulate the youth of our country to the practice of those duties which lead to reputation and happiness.

Trained with early advantages, Mr. Coalson entered the university of our State, and, with an ardent thirst for knowledge and by habits of severe application, he acquired the elements of a collegiate education to an extent which placed him high on the list of finished graduates. Thus ending his literary pupilage with credit, he engaged in the legal profession and became an industrious and respectable member. But it is not to his professional character alone that we confine our tribute.

His youth and rural avocation prevented him from pursuing that range at the bar which would have brought him more directly before the public eye. In the active and social relations of private life he shone with a pleasing lustre; and long will be remembered the genuine hospitality and unaffected friendship with which he treated his brethren of the bar. The ties thus produced by a variety of causes rendered the eternal separation painful in the extreme. Yet to the behests of Him who directs all things we must submit without a murmur. Therefore, in order to evince our regard for the deceased,

Resolved, That we have learnt with deep regret the death of Paul Coalson, Esq., our respected friend and brother, and that we truly sympathize with his bereaved family and relatives in the great loss they have sustained.

Resolved, That the bar of the Southern circuit wear crape on the left arm during the present riding, as a testimony of regard for the deceased.

Resolved, That a copy of these proceedings, signed by the chairman and secretary, be forwarded to the family of the deceased, and that the secretary forward the same; and that copies be published in the Milledgeville papers, and also a copy, signed by the chairman and secretary, (by order of the court,) be entered on the minutes.

THOMAS PORTER,
Secretary.

THAD. GOODE HOLT,
Chairman.

Ordered by the court, that the proceedings be entered on the minutes of the court, agreeably to the request of the committee.

The foregoing is a true extract from the minutes of said court, this November 14, 1831.

JARED EVERITT,
Clerk.

VIII.

WALTER T. COLQUITT.

EVERY age and every State usually affords one man more remarkably endowed than all others. The American Revolution had but one Patrick Henry, and Georgia has never contained, and probably never will possess, more than one WALTER T. COLQUITT. To render justice to such a character is beyond the ability of the author. He has not the particulars; and, even if he had, he questions his own skill in so putting them together as to make a good likeness of the original. Written description often fails of its object, and perhaps in nothing more signally than in tracing the volcanic eruptions (for so they may be styled) of the orator now to be considered.

WALTER T. COLQUITT was born in Halifax county, Virginia, on the 27th day of December, 1799. A few years afterward, his father, Henry Colquitt, removed to Hancock county, Georgia, and settled near Mount Zion, where Walter was sent to the school of Mr. Beman. His progress was rapid, and his standing in class was about the first grade, as it was in all athletic exercises. He was running over with vitality, and his sports were as wild as his nature was fearless. Not that there was any serious mischief in him,—not that he defied his teacher or neglected his studies,—but there was an impulse, a restless spirit within him which must have vent in some outward manifestation, or the consequences would be apparently as fatal to the nervous system as too great a head of steam would be to the engine. Action was the safety-valve. This was the cast of his mind; and it was always his rule to follow nature, honest nature, in all her moods, however singular and at whatever sacrifice, within the bounds of a manly, rational freedom. It may be readily supposed that Walter was a captain among his schoolfellows, directing their games and their quarrels, always the friend of the weak in both.

On reaching the proper age, he was sent to Princeton, New Jersey, to complete his education. Up to this time he had never worn a suit of *store*-clothes, but was attired, like other country lads, in the products of the domestic loom. When he left for Princeton

he wore a hat made of *rabbit-skins*, no doubt a very durable, if not elegant, head-cover, manufactured by some good hatter of the neighborhood. How long he remained at college the author is unable to say. Before graduating he returned home, owing to the illness of his father. Whatever may have been his conduct, rash or disorderly, it was not such as to class him with the highest offenders, nor could it have been prejudicial to his honor, as the institution has enrolled him among its alumni.

He read law in the office of Col. Samuel Rockwell, of Milledgeville, and was admitted to the bar at Wilkinson Superior Court, in 1820. He first located in Sparta, where he opened an office, and then removed to a village called Cowpens, in Walton county. In the mean time he had been elected brigadier-general by the Legislature when twenty-one years of age. He belonged to the Troup party, and was a candidate for Congress in 1826 in a district which contained a majority of two thousand Clark voters, as shown by the election between Troup and Clark for Governor in 1825. The Hon. Wilson Lumpkin was his successful competitor, who was elected by a majority of thirty-two votes!

The contest gave Gen. Colquitt quite a reputation, and rendered him at once prominent. What he lost in political was amply made up by judicial advancement; for, on the 15th December, 1826, at the age of twenty-seven years, he was elected Judge of the Chatahoochee circuit, and presided at the first Superior Court ever held in the city of Columbus. His administration was highly approved. Whenever he had doubts, or there was excessive hardship or cruelty in the punishments prescribed by law, he always inclined to the side of humanity. A case of the kind is referred to by Gov. Forsyth in his message to the Legislature, November 4, 1828:—

Every day's experience adds to our knowledge of the defects of the Penal Code. I recall to your attention the communications heretofore made by my predecessors, particularly to the Executive message of 1827, communicating a report from one of the judges (Schley) of the effects of the amendatory act of 1820. To the information contained in that report I will add that it is ascertained that the punishment of a free person of color, convicted of inveigling a slave, is *now* one year's imprisonment in the Penitentiary, while a white person is subjected to severer penalties,—a distinction not justifiable in itself, and dangerous in its consequences to the security of property and the peace of the State. Another of our judges (Colquitt) during the past year found himself compelled to sentence a person convicted of the offence of mayhem to the pillory, and the payment of a fine of £100, or to suffer, if unable to pay the fine, the barbarous punishment of one hundred lashes laid on his naked back. The poverty of the person convicted was so notorious that the payment of the

fine was not to be expected, and the Executive, under a recommendation of the judge, was obliged to interfere to prevent the infliction of a brutal punishment,—a disgrace to our criminal jurisprudence, and which, in the opinion of the community, has been long since expelled from our code. A careful and matured examination of the act of 1820 will enable you to correct these and other errors that have unavoidably arisen from the use of general terms, and their application to all the previous legislation of the State on crimes and punishments.

In 1829, Judge Colquitt was re-elected for another term of three years, at the expiration of which he retired from the bench, fully satisfied with its dignities and cares. In 1834 and 1837, he represented Muscogee county in the State Senate. His course in this body proving him to be a statesman and debater of a high order, he was nominated for Congress in 1838, was elected, and took his seat in the House of Representatives on the first Monday in December, 1839. In the Presidential election of the next year, he and two of his colleagues, Messrs. Black and Cooper, refused to support Gen. Harrison, and went over to Mr. Van Buren, thereby severing the political ties which connected them with their colleagues in the House and with the Whig party of Georgia. But, however unpleasant the dissension between the parties, the people sustained Mr. Colquitt and re-elected him in 1840, and again in 1842. His victory was complete, though his new associations with men against whom he had warred so long—the Clarkites, Union men, Democratic party, and Mr. Van Buren as the head of the phalanx—must have embarrassed him at times in the company of certain leaders. But he knew well how to conquer difficulties, and he went forward, turning neither to the right nor left, following his principles as soon into the camp of the enemy as anywhere else. He dreaded no conflict and quailed at no danger.

He was now called to a still prouder elevation,—one equal, if not superior, in dignity to the Executive of a sovereign State of this Union. At the session of the Legislature in 1842, Judge Colquitt was elected a Senator in the Congress of the United States for a term of six years, commencing on the 4th March, 1843. Here he formed the acquaintance of Mr. Calhoun, the great champion of the South, whose principles and character he so much admired. Mr. Webster was also in the Senate part of the term, and it was the privilege of Judge Colquitt to confer with these master-minds of the world on the policy best calculated to advance the public good, and to sustain or oppose, as a brother Senator, on a footing of perfect equality, any measure they might advocate. The talents of Judge Colquitt were such as to command respect anywhere;

but candor urges the author to say that the manner of the judge in debate was an innovation upon the usages of the Senate, and was at times deficient in tone and self-respect which had generally distinguished that august body. Special reference is here made to the notice taken by Judge Colquitt of an attack made upon him in the columns of the *Madisonian*, the editor of which paper accused him and other Senators of dining with the British minister, and then receding from the claim of 54° 40', for which he had previously stood by President Polk as being "clear and indisputable."

When criticisms have been made, by editors or correspondents of newspapers, unjust to members of Congress, or placing them in a false position, they often bring the subject before the House to which they belong, read the exceptionable matter, and then comment upon it as the case may require, usually in a calm, explanatory style, with no passion or bitterness, certainly with no epithets. But Judge Colquitt departed from this rule. He became excited, and denounced the editor of the *Madisonian* in terms so gross, so novel in the Senate, that he let himself down while he broke up the *Madisonian*. It changed hands immediately, and, after struggling a short time from its death-wound, it ceased altogether to be published. The revenge was terrible; but, like an overcharged gun, it injured in both directions.

While Judge Colquitt was in the Senate of the United States, our controversy with Great Britain relative to Oregon elicited very earnest discussion, and at one time seemed likely to produce war between the two countries. Within the same period of service, from 1843 to 1849, the whole Mexican War had transpired, from the murder of Col. Thornton and his comrades on the Rio Grande to the Treaty of Guadalupe. Those who knew the temperament of Judge Colquitt, his burning patriotism and restless courage, impatient of delay, can well imagine his feelings when battle after battle, victory after victory, was borne by the electric messenger to the capital of the Union. The opening cannonade at Palo Alto, the rout of the enemy at Resaca de la Palma, the glories of Monterey and Buena Vista, with TAYLOR leading the embattled host,—the splendid siege and entire capture of Vera Cruz, the bloody heights of Cerro Gordo, the onward march of our conquering army to Chapultepec, Churubusco, and Molino del Rey, and the triumphant entry of SCOTT into the city of Mexico, into the very "Halls of the Montezumas" of fabled grandeur,—all quickened the pulse and sent joy to every bosom within our extended borders. He was a warm supporter of

the administration throughout the conflict, gave the President all the aid in his power, and advocated the measures necessary to prosecute the war vigorously. To such men as Judge Colquitt, sagacious and daring, are the people indebted for that proud rank which our Government occupies among the nations of the earth,—grand in peace and mighty in war.

The author regrets that he has none of the speeches delivered in Congress by the bold Georgia Senator from which to give extracts. Fortunately, it is not essential to his fame. He possessed a kind of oratory—*an eloquence of the blood*—not to be written. It would be useless to attempt a description. In the Presidential campaigns of 1840, 1844, 1848, and 1852, he took the field and mounted his war-horse for the Democratic nominees, often at a great distance from home, on special invitation. It made no difference how many speakers of note were assembled on the platform at a mass convention, whether from other States or from Georgia, whether ex-governors or ex-members of the Cabinet, he towered above them all in energy of declamation and in power to sway the multitude. He had an eye that could look any man or any peril in the face, as the eagle is said to gaze upon the sun, without blanching.

Judge Colquitt imitated no model. He possessed strong sympathies, was a close observer of men and things, knew the prejudices, habits, and prevailing opinions of the people in all conditions of life. These were the arrangements of Heaven, and it was not his office to substitute an artificial system which might perhaps secure him the reputation of being a very precise, elegant gentleman, but which would unquestionably place him beyond the companionship which he desired with his fellow-men,—with all,—those in broad-cloth and those in homespun,—all upon an equality in his affections, all children of a common Father, travelling the same road to eternity! The accidents of fortune, a white house, a showy equipage, rich apparel, or any other allurements of wealth, had no influence upon him. He grasped the hand of a poor man as cordially, and treated him with as much respect, as he would the richest in the land. If his attentions to either varied, it was only to show more kindness to the humble, to ward off any appearance of neglect. With such principles and feelings he squared his conduct through life.

As an advocate, he stood alone in Georgia, perhaps in the whole South. No man could equal him in vigor and brilliancy where the passions of the jury had to be led. In criminal cases, where life or liberty was at stake, he swept every thing before him. No

heart could resist his appeals, no eye could withhold its tears, on such occasions. He has been known to get upon his knees and implore jurors by name to save the husband, the father, the son,—not to break anxious hearts at home, nor stamp disgrace upon innocent kindred. At other times he would go up to certain members of the jury and address them, “My Baptist brother,” “My Methodist brother,” “My young brother,” “My venerable brother,”—applying suitable expressions to each one as the facts might authorize,—and, with a look and prayer to Heaven which impressed the greatest awe, would stir the soul to its very depths. Many examples of the kind might be given, as the author has been informed by eye-witnesses: he never heard Judge Colquitt make a speech in court, but has heard him in other places. It is said that he rarely failed to obtain verdicts in favor of his clients when the occasion called forth his energies. His delivery, gesticulation, pathos, ridicule, scorn, mimicry, the tones of his voice, his anecdotes, the motion of his features, every thing about him,—all acted a part, all assisted in the incantation. A wizard could not have been more potent in exercising his charms. In all this exhibition there was much to offend particular schools of acting; but it was nothing more than “holding the mirror up to nature,”—nature in a tempest.

Nor was Judge Colquitt at a loss for other methods. He could be gentle as a zephyr when it suited his purpose, when he had pictures of bereavement and sorrow to press home to the jury. Then the sweet, plaintive tones of his voice, the melting sadness of the heart, and the glistening pearl-drops from the eye would dissolve all opposition. He would take a poor, fainting mortal in his arms, and softly as an angel he would lay him down to repose amid the flowers of Eden.

The career of Judge Colquitt would be most inadequately sketched were the part he took on the Southern Rights question in 1850 and 1851 entirely omitted. It is known that with the acquisition of territory from Mexico there arose in Congress a very delicate issue between the North and South as to free soil, or the application of the Wilmot Proviso to all the country thus obtained. The South contended for equal rights,—for the privilege of carrying and holding there such property as the Constitution recognised in the State from which the owners might remove. This was the simple proposition. Most of the Representatives in Congress from the non-slaveholding States objected to it, and the contest became sectional,—the very existence of South-

ern institutions depending on the result. Judge Colquitt came out promptly and denounced the injustice of covering a foot of the territory by the Wilmot Proviso, but, for the purpose of conciliation, expressed his willingness to extend the Missouri-Compromise line $36^{\circ} 30'$ to the Pacific, and there let the matter rest. He addressed his fellow-citizens publicly by speech and pen, using all his influence, every argument of which he was capable, to stimulate them to action proper for the emergency. He was for marching up to $36^{\circ} 30'$ with fixed bayonets, prepared to hold it and *prepared to be buried*.

His speeches in the Nashville Convention, where he was sustained by Judge Cheves,* of South Carolina, and other eminent men in that body, were of the most resolute character. Accounts were published by letter-writers for the Northern press, and Judge Colquitt was spoken of in about equal terms of censure and praise. His manner was described as being most furious in that assemblage of Southern patriots. He and Gov. McDonald were chosen by the Legislature as delegates to represent the State at large. The Congressional districts each had two delegates, one from the State-Rights and the other of the Union party, elected by the people. Nothing need be said of the Nashville Convention other than that its proceedings, like the Virginia and Kentucky Resolutions of 1798, have given rise to various conflicting interpretations. The following are three of the resolutions, embodying the most material part of those passed in November, 1850, at the second session of the Nashville Convention, after the Compromise measures had been adopted by Congress:—

Resolved, That all the evils anticipated by the South, and which occasioned this Convention to assemble, have been realized by the failure to extend the Missouri line of compromise to the Pacific Ocean, by the admission of California as a State, by the organization of Territorial Governments for Utah and New Mexico without giving adequate protection to the property of the South, by the dismemberment of Texas, by the abolition of the slave-trade and the emancipation of slaves carried into the District of Columbia for sale.

Resolved, That we earnestly recommend to all parties in the slave-holding States to refuse to go into, or countenance, any National Convention whose objects may be to nominate candidates for the Presidency and Vice-Presidency of the United States, under any party denomination whatever, until our Constitutional rights are secured.

Resolved, That in view of these aggressions, and of those threatened and impending, we earnestly recommend to the slave-holding States to meet in congress or convention, to be held at such time or place as the

* Hon. Langdon Cheves died June 25, 1857, aged eighty-one years.
VOL. I.—14

States desiring to be represented may designate, to be composed of double the number of their Senators and Representatives in Congress of the United States, intrusted with full power and authority to deliberate and act with the view and intention of arresting further aggression, and, if possible, of restoring the Constitutional rights of the South, and, if not, to provide for their future safety and independence.

As a politician and advocate, enough has been said to give some idea of Judge Colquitt. It now remains to follow him into another sphere,—as a man and a Christian. How early in life he connected himself with the Methodist Episcopal Church the author is not informed; but he remembers to have heard him deliver an exhortation thirty years ago (1827) at Milledgeville, in a church where sat with him in the pulpit the late Rev. Stephen Olin and Rev. Samuel K. Hodges,—the latter then the presiding elder. Judge Colquitt had a very youthful appearance. His cheeks were rosy, and his countenance was lighted up by the sacred fires within. After Mr. Hodges had closed a very solemn discourse, while the congregation was silent and serious, he rose, and sung, in beautiful style and with much feeling,—

“Young people all, attention give,
While I address you in God’s name:
You who in sin and folly live,
Come, hear the counsels of a friend.”

Nothing could have produced a happier effect. Many persons wept as the song proceeded; and when it was over he made an appeal to the young to forsake their evil ways,—to give up the phantoms of pleasure and yield their hearts to God. It was a time long to be remembered. Hodges, Olin, Colquitt, and more than half that large congregation, are in the grave! He who was then a youth weeping under the exhortation is now quite an old man, shedding a tear as he records the incident in the biography of the exhorter.

The author never attended any of the courts at which Judge Colquitt presided, and can only state the fact on reliable information, that he was in the habit of opening his courts with prayer, himself officiating. Whether he continued the practice through both his terms cannot be here affirmed or denied. That he was truly pious, and aimed to do good, there is no question. But many of his religious friends were sorely grieved to witness the levity and relish for fun and anecdote which the judge indulged at the hotel and other places when not engaged at prayer or in his official administration. Indeed, his hilarity was so boisterous, his stories so broad and related with such enjoyment, that a stranger would never have suspected that he belonged to the church. On

these jovial occasions he has been known to look at his watch and start up suddenly, apologizing to his companions, as he had to preach, and the people were waiting for him! While in the State Senate, he has been known to make a strong speech on some bill, then go to the church and deliver an animated sermon, then attend a political caucus and make the principal speech there, rallying his forces, and then conclude the night by inviting a number of his friends to an oyster-saloon for refreshments. In all this, while nothing positively wicked can be perceived, there was seeming impropriety in the opinion of many of his brethren. It was a sort of stumbling-block which gave room for unfriendly remarks. Yet, if an error, it lacked the intention to make it criminal.

Soon after announcing the plan of his work, the author applied to the Rev. Lovick Pierce, a minister of close observation as well as of established ability and influence, for names belonging to the church and the bar that might assist in removing the reproach so generally cast on the legal profession that from its very nature it was hostile to Christianity. In the reply, the name of Judge Colquitt, then living, occurs in a manner which will be sufficient to introduce the letter here, even if other names in it did not show the justice and propriety of doing so:—

COLUMBUS, January 28, 1851.

DEAR SIR:—Your letter and circular are received. I cannot call to mind any deceased lawyers whose connection with the church, and piety, would add any thing to your praiseworthy work, but the lamented Few, with Cicero Holt and Clayton of Athens. Clayton I did not know as a Christian, only from others. His conversion, life, and death added as much lustre to his Christian character as his tongue and pen did to his professional.

Cicero Holt was a Christian of the highest and purest character, sufficient of himself to disprove the idea that irreligion is a sort of constitutional quality of the legal calling. At this time there are many lawyers open and avowed Christians. Even here are half a dozen, members of our church,—none of them, except Colquitt, known afar off.

Judge Longstreet can give you more reliable information than any one who would feel a lively interest in your enterprise. He is President of the Mississippi University. It is located at Oxford: the county I don't know. I think the following direction would find him: A. B. Longstreet, President of the Mississippi University, Oxford.*

* On this hint, the author paid his respects more than once to Judge Longstreet, desiring contributions to interest the public in these pages. It will be seen, by other letters published, that Judge Longstreet is looked to for much that is curious,—as the only writer who can dress up things to perfection. The author shared this belief, and only regrets that Judge L. has been so occupied by his official duties, or so disinclined to put people in a good humor, as used to be his vocation when writing "Georgia Scenes" twenty years ago, that the author has to go to press without a solitary line from his graphic pen.

I am not able to render you the aid you need: if I could, I would gladly do it.

Respectfully, yours,

L. PIERCE.

But it is not necessary to dwell on the virtues or defects of Judge Colquitt. He was not always understood by the world. A natural buoyancy of feeling sometimes led him into extremes

He had to be cheerful: his organization would not permit him to be otherwise. There was no stagnation in the currents of his soul. They flowed on through all temperatures. Happen what might to depress others, no frost ever locked up the tide of his upward, joyous nature. His spirit could scale the loftiest mountains, sport with the clouds, and then descend in a thunderbolt to terrify the evil-doer, or in the form of mercy to soothe the unfortunate and the miserable.

Such a man, however, has no guarantee of life more than the veriest trifler. The lion-hearted is often the mark of Death's arrow, while the *hare* in society seems to escape for a longer probation. The decree is thus written; and it is right, however mysterious to finite conceptions.

Judge Colquitt endured sharp bodily afflictions in the latter years of his life. His friends were long in painful suspense, at times believing that his recovery was possible, and then giving up in despair. All the time he submitted like a child to his heavenly Father, and patiently awaited the issue. Having obtained partial relief from the waters at Montvale, East Tennessee, on a former visit, he sought their efficacy once more. Emaciated as he was, he had himself borne to the cars at Columbus, to reach Knoxville by railroad, within twenty miles of the springs. At Macon he grew worse; and tidings forthwith came, on the telegraph-wires and in the public prints, that he was in a dying condition. Friends—pious friends—gathered at his bedside. His talk was of heaven. Those dark, beaming eyes, which had so often irradiated the sanctuary and the forum, are now turned with seraphic mildness upon wife and children in the last hour. With words of consolation to all, and with the light of eternity playing upon his features, WALTER T. COLQUITT calmly returned his soul to God who gave it. He died at the house of his brother-in-law, William A. Ross, in the city of Macon, May 7, 1855, in the fifty-sixth year of his age.

The mournful intelligence, though looked for, filled all hearts with sorrow. A great man had fallen. The newspapers did justice to his character: many of them contained a brief memoir of his

life. A void was felt which can never be supplied. He was a gallant and favorite son of Georgia,—a second CALHOUN to the South. If he had blemishes, they were scarcely visible in the noonday brightness of his active and useful career.

Of his domestic relations the following has been gathered. His first marriage was on the 23d day of February, 1823, to Miss Nancy H. Lane, daughter of Joseph Lane, Esq., who was many years a Representative in the Legislature from Newton county. From this union were six children, of whom four are living. The Hon. Alfred H. Colquitt, of Baker county, late Representative in Congress, and Peyton H. Colquitt, Esq., attorney-at-law, of Columbus, are two of them. One of his daughters married the Hon. O. B. Ficklin, of Illinois, at the time a Representative in Congress from that State, and the other daughter, Emily, married Samuel Carter, son of Col. Farish Carter. Gen. Joseph Lane, the delegate in Congress from Oregon, is a near relative of the first Mrs. Colquitt.

The second marriage of Judge Colquitt was in 1841, with Mrs. Alpha B. Fauntleroy, formerly Miss Todd, sister of H. W. Todd, Esq., of West Point, Georgia. She lived only a few months.

He was married the last time, in 1842, to Miss Harriet W. Ross, daughter of the late Luke Ross, Esq., of Macon, and sister to J. B. and W. A. Ross, merchants of that city. Six children were born of this marriage,—four now living.

The mother of Judge Colquitt, Mrs. Nancy S. Tarver, resides at La Grange, in her seventy-seventh year. After the death of her first husband, she married the father of the late Gen. Hartwell H. Tarver, of Twiggs county.

Before closing this memoir, the author makes free to extract from a letter written by a gentleman* to a son of Judge Colquitt, under date of January 19, 1857:—

I know nothing specially in regard to your father but what everybody else *well knows*, for he had no concealments in him. No man, either friend or foe, can say aught against him. I was his associate almost from infancy. He was "a head and shoulder" above all boys, as he was above all men; for I have seen him tried in all capacities and situations, in none of which did he ever falter. I could cite many incidents and characteristics of him known only to myself, all of which would redound to his credit and fame. His faults were few: if he had any, I never knew them. He was admitted to the bar at Irwinton, Wilkinson county, I think,

* Alfred B. Holt, Esq. to P. H. Colquitt, to assist in the particulars of this memoir.

in 1820 or '21. He commenced the practice of law in Sparta, but shortly after removed to the *Coupeus*, in Walton county, and in the Western circuit soon took a prominent stand among such men as Cicero Holt, Charles Dougherty, and others with whom he was associated.

This decided testimony from one who knew him well is indeed honorable to the character of Judge Colquitt. It goes far to justify the compliment from Gen. Cass, the present Secretary of State, who once remarked that "Georgia had cause to be proud of her Representatives, as two of the readiest debaters he ever heard were from that State,—Mr. Forsyth and Mr. Colquitt." Mr. Calhoun frequently said of him that he was a very "*sagacious* man."

Though intended as private, there is nothing to forbid giving a passage from another letter* relative to Judge Colquitt:—

My father during his life seemed to shun every thing like posthumous fame. He was often applied to, and as frequently denied having his life published. He seemed to feel that if his services to his State and his country were *worth any thing* they would be remembered. He cared little for praise, so he knew he was right and advocated the truth. He marked out for himself a course of policy, and did not pander to popular feeling. He had no care whether he was in the minority or majority, so he felt that he was right. If I knew any thing of his character, the most prominent traits were *unselfishness*, kindness, and strong *friendship*,—impetuous, quick, fiery. His attachment to a friend would lead him to face any danger.

To show that the views taken of the character of Judge Colquitt and the praise bestowed in the progress of this memoir are fully supported in the highest quarter, the very head of the Judiciary in our State, the proceedings of the Supreme Court on the occasion of his death are subjoined:—

SUPREME COURT OF GEORGIA, AMERICUS, July 10, 1855.

The Honorable the Supreme Court met pursuant to adjournment. Present their Honors JOSEPH H. LUMPKIN, EBENEZER STARNES, and HENRY L. BENNING, Judges.

The death of the Honorable WALTER T. COLQUITT, a member of this bar, was announced this morning by the Hon. G. E. Thomas, who moved the appointment of a committee to prepare and report resolutions in relation thereto, which was seconded by Col. Seaborn Jones.

Whereupon the court moved as a committee the following gentlemen,—viz.: Hon. G. E. Thomas, Col. Seaborn Jones, William Dougherty, B. Hill, B. H. Hill, G. M. Dudley, and T. R. R. Cobb, Esquires.

The committee to whom was referred the duty of reporting to the court a suitable preamble and resolutions in commemoration of the life

* From P. H. Colquitt to the author, dated March 28, 1857.

and character of the Honorable WALTER T. COLQUITT, whom death has not long since removed from our midst, respectfully report :—

That our much-beloved and sincerely-lamented brother, the Honorable WALTER T. COLQUITT, was one of the peculiar men of the age. He was strongly and distinctly marked in character, and eminently qualified to leave his impress on the theatre of life. His indomitable will and great moral courage placed him on high ground in all great emergencies.

But, alas! "*Death enters, and there is no defence.*" Neither genius, nor talent, nor moral worth, nor beauty, can escape the inevitable doom. "*Dust thou art, and to dust shalt thou return.*" Death is said to love a shining mark. A mighty man has fallen! After a severe and protracted conflict, which he bore with Christian fortitude and meekness, he yielded up his life to Him who gave, and whose sovereign right it was to take it away.

The event, though not unexpected, was nevertheless painful. Who that knew him did not love him? Who that loved does not lament his departure? His seat here is become vacant; his voice is hushed, and that forever,—called away in the noon of his manhood, in the midst of his usefulness. What a chasm is made,—not only in the court, but also in the family circle and in the public councils!

Of his *social qualities* how shall we speak? Of a warm and generous disposition, his heart leaped at once into every enterprise of benevolence, his charity embraced all conditions of want and wretchedness.

Of his *intellectual endowments* we do not exaggerate when we say that he possessed a strong, vigorous, discriminating mind,—an intellect which had lightning speed and power. In the court-room or in the Senate-Chamber he was alike the fearless and able advocate, the firm and unyielding patriot. Always the same great *original*, he was, as occasion required, *peculiar*, striking, *overwhelming*. His eloquence sometimes resembled "the music," sometimes "the thunder, of the spheres."

As a *jury advocate*, in the defence of life and liberty he had few equals and no superior. More than all, he was a *Christian*,—a sinner saved by grace. And if he ever wandered from the straight and narrow path, (and who has not?) none repented more sincerely, none made restitution sooner, than he. *Religion* bore his fainting spirits up when all earthly props gave way. This sustained, this never failed him.

"Our life's a dream, a morning flower,
Cut down and wither'd in an hour."

But this *amaranthine* flower blooms the brighter as the hand of death approaches, and sheds a sweet perfume around the cold precincts of the "noisome tomb."—"The chamber where the good man meets his fate is privileged beyond the common walks of life, quite on the verge of heaven." He died, "being full of the Holy Ghost," and left the world in triumph.

"There is a life above,
And all that life is love."

This mournful Providence speaks to us, his surviving brethren, in a language not to be misunderstood :—"Be ye also ready." Let not the lesson be lost; but, giving heed, let us *love* and *adore*, knowing that our heavenly Father does all things for the best.

1. *Resolved*, That, while we sincerely sympathize with the *bereaved*, we

will cherish in our hearts the memory and the virtues of our deceased brother.

2. *Resolved*, That, as a perpetual record of our love and admiration of him, we respectfully ask of this honorable court the privilege of having this preamble and these resolutions spread on the minutes of this court.

3. *Resolved*, That a copy of the same be made out and signed by the clerk of this court, and be by him forwarded to the family of the deceased. Also, a copy for publication, to the papers in Columbus and Macon.

REMARKS OF THE HON. JUDGE LUMPKIN.

MR. CHAIRMAN, AND GENTLEMEN OF THE COMMITTEE AND BAR:—The court cordially responds to the very feeling and eloquent tribute which you have paid to the memory of our deceased brother and friend.

No man that has lived within this State for the last thirty years has left or will leave a stronger impress upon the public mind than WALTER T. COLQUITT. Who has touched the community at so many points? Who has exhibited the same versatility of talents? Who is a more striking type and exponent of the practical working of republican institutions? Emerging from comparative poverty and obscurity, he stepped at once from the bar to the bench, and, by the energy of his mind and character, filled in rapid succession a seat both in the House of Representatives and Senate of the United States.

As a popular orator and advocate, especially in *criminal* cases, the deceased was unsurpassed by any of his contemporaries; and, whatever may have been the extravagance, if you please, of his style and manner, it rarely failed of success and to elicit the enthusiastic applause of his auditory; and this is the highest compliment that can be paid to a public speaker, albeit he may violate every rule of rhetoric taught in the schools. His imitators on the hustings, at the bar, and even in the pulpit, are legion.

But I will not dwell at this time on the peculiarities of the deceased. No man had more friends, or friends more devotedly attached to him. And this was natural as well as right; for a more unselfish man, in all the private relations of life and intercourse with society, never lived. We love them who love us, is the law that binds man to man, as well as man to his Maker. It was but a short time before his death that I was conversing with a female member of his family,—a lovely woman that preceded him to the grave; and she related how, in a recent travel with her father-in-law, when he could scarcely sit up, he seemed to forget himself entirely and think only of her comfort. Is it strange that such a man should be endeared to his friends?

You have spoken, Mr. Chairman, of the moral courage of the deceased. But an equal tower of strength was his *physical* firmness. He never feared the face of man. We have many among us who are brave from pride, or principle, or education. His was innate. It was the courage of Nelson and Ney and Zachary Taylor,—that was wholly unconscious of the presence of danger. I speak what I *know*. Such a man could not fail to be a magnanimous foe.

But our friend and brother so instinct with life has passed away in the meridian of his manhood. That pulse that beat so active has ceased to throb; that brain that teemed with ten thousand plans and purposes will think no more.

If ever man was endowed with antediluvian constitution—born to live a thousand years—Judge Colquitt was. But he was as prodigal of his health as he was of his purse. He knew no rest. No sooner did the bugle sound for political or professional warfare than every nerve was strained to the utmost tension for the fight. He rushed into battle with every power of soul, mind, and body, and would take no repose until the conflict was ended.

We saw him at this place—after one of the most exhausting efforts ever made, and when his mortal malady, which had fixed its iron grasp upon him several years previously, was preying upon him—borne to the stage-coach by his friends,—hurry away to a neighboring State to renew the struggles upon another theatre. We cannot but reproach one so munificently endowed by nature, and whose life was so important to his family and his country, for thus throwing it away as a useless thing.

Let us take warning by his example and be not overworked. We press toward the mark for the prize, and perish on Pisgah in view of Canaan and its clusters. He seemed to live but to die. We trust he died but *to live for evermore*.

But I am done. Should my life be spared and I can steal the time from the severe exactions of my official duties, I will endeavor to erect a more abiding monument and one more worthy of the deceased. With me it will be a labor of love. We were college-mates in a distant State, at a period of life when friendships the most pure and lasting are formed. When I reached Princeton I found my young countryman in difficulty, and was able, fortunately, to assist him. I found myself in a greater trouble afterward, when he repaid the obligation with usury.

I can readily forgive and forget an injury,—a favor, never. The memory of WALTER T. COLQUITT will be pleasant to me until my own heart, like his, shall cease to beat.

IX.

WILLIAM H. CRAWFORD.

THE proudest name that Georgia has ever presented to the world, one beyond all competition in renown, strength, and influence, is that of WILLIAM H. CRAWFORD, of whom much has been published. Something additional will be given in this sketch toward showing his true character.

He was born in Amherst county, Virginia, February 24, 1772, of Scottish ancestry. His father removed from the Old Dominion in 1779, and settled in Edgefield district, South Carolina, whence he came to Columbia county in 1783, and died a few years afterward. William H. Crawford was then of an age to assist his mother by school-teaching, a business which he followed several years. Desiring a knowledge of the classics, he became a student in the academy of Dr. Moses Waddel, who soon offered him the post of assistant. Remaining two years with Dr. Waddel, he then joined Mr. Charles Tait (whose name will figure conspicuously in this memoir) in the management of the Richmond Academy, of which Mr. Crawford became rector.

Here the author quotes the language of a gentleman* whose recollections have been given to the public:—

William H. Crawford came to the bar in 1799. It was soon obvious that his talents and energy would make him the leading lawyer of the up-country. The land-speculators applied to him to be associated with them in their land-suits. His frankness and high integrity prompted an indignant refusal. The lawyer-speculators determined to get rid of him by shooting him or disgracing him. Van Allen, then lately from New York, was the instrument chosen to effect their object. He was a cousin of Martin Van Buren, the great political magician, and, like him, regarded means only for their ends. Van Allen, upon some frivolous pretence, challenged Mr. Crawford. He had to fight or fly. He chose the first. Van Allen was killed.

Mr. Crawford settled in Lexington in 1799, and opened a law-office. He soon stood at the head of his profession. He represented Oglethorpe county four years in the Legislature. The author has seen the House Journal for the extra

* Gov. Gilmer, in his Address before the Society of Alumni, at Athens, 1851, p. 20.

session, June, 1806, and thinks proper to extract from its proceedings:—

P. 7. On motion of Mr. Crawford,—

Resolved, That a committee be appointed to prepare and report a bill to be entitled an act to organize the counties of Baldwin and Wilkinson.

Ordered, That Messrs. Crawford, Walker, and Howell be that committee.

OLIVER H. PRINCE.

P. 6. Mr. Bates presented a petition from Oliver H. Prince, praying to be admitted to plead and practise in the several courts of law and equity in this State, if upon examination he should be found duly qualified.

Which was referred to a committee consisting of Messrs. Poythress, Welscher and Drane.

P. 13. *Resolved*, That Oliver Hillhouse Prince be admitted to plead and practise as an attorney in the several courts of this State: *Provided*, the said Oliver H. Prince shall first submit to an examination, and be found on such examination duly qualified.

P. 21. The Senate concurred in said resolution.

DEATH OF GOVERNOR JACKSON.

P. 22. On motion of Mr. Welscher,—

Resolved, That this Legislature view with deep concern and regret the loss sustained by the State in the death of that truly great and virtuous patriot, Gen. James Jackson, their late Senator in Congress, whose eminent services will be ever held in grateful remembrance by the people of Georgia; and that, as a public testimony of their sorrow on the occasion, and of their high respect for his memory, the Legislature will wear crape on the left arm for the space of thirty days.

P. 28. *Ordered*, That the clerk inform the Senate that the House is now ready to receive them in the Representative-Chamber for the purpose of electing a major-general for the first division of the militia in this State, and a Senator to the Congress of the United States, to fill the vacancy occasioned by the death of the Hon. Maj. Gen. *James Jackson*.

Whereupon the president and members of the Senate attended, and, being seated in the Representative-Chamber, both branches proceeded by joint ballot to fill the said vacancies; and, on the ballots being received and examined, it appeared that Brigadier-General David B. Mitchell was duly elected major-general; and that his Excellency, John Milledge, was duly elected Senator.

CHARGES AGAINST JUDGE TAIT.

P. 8. Mr. Simons presented a memorial from General John Clark, containing certain charges against the Honorable Charles Tait, Judge of the Superior Courts in the Western district of this State, which was read and referred to a select committee, consisting of Messrs. Simms, Simons, F. Walker, Hall, Harris, Welscher, and Thomas.

P. 11. On motion of Mr. F. Walker,—

Resolved, That the committee to whom was referred the memorial of Gen. John Clark, relative to the conduct of the Honorable Charles Tait,

be, and they are hereby, authorized to send for such persons and papers as they may deem necessary to facilitate their deliberations on that important subject.

P. 14. Mr. Simms, from the committee to whom was referred the memorial of Gen. John Clark, reported as follows:—

The committee to whom was referred the memorial of Gen. John Clark report, that they have made some progress in their inquiries into the official conduct of the Honorable Charles Tait; that they view the subject as one of great importance to the community as well as the party accusing and accused; that, to establish the charges contained in the memorial, it is stated to the committee that it will be necessary to subpoena twenty witnesses who reside in different parts of this State, and some of them in the extreme parts thereof; and to have the benefit of their testimony will require considerable time, and perhaps protract this session to a length not contemplated by the Legislature. They therefore beg leave to suggest the propriety of postponing the further consideration of this important business until the next session of the Legislature.

Whereupon Mr. F. Walker moved the following resolution:—

Resolved, That the further inquiry into the conduct of the Honorable Charles Tait be postponed accordingly.

On the question put, it was negatived,—Yeas, 26; Nays, 26.

The speaker (Abraham Jackson) gave the casting vote.

Mr. Crawford voted in the negative.

P. 25. On motion of Mr. F. Walker,—

Resolved, That the Speaker of this House be, and he is hereby, required to issue subpoenas for William Melton, Daniel Jett, Young Gresham, Frederick Colham, and Josiah Glass, of Greene county; Felix H. Gilbert, Gilbert Hay, Wylie Pope, and Benjamin Taliaferro, of Wilkes county; Edward Bryan, John Stokes, George McKigney, David Glenn, Mrs. James Martin, Sampson Culpepper, and John Howard, of Washington county; Buckner Harris, of Jackson county; Samuel Stewart and John Stewart, of Oglethorpe county; Leroy Pope, of Elbert county; Oliver Skinner, of Hancock county; Elijah Payne, of Tatnall county; and John M. Dooly, of Lincoln county; together with such other witnesses as General John Clark, the prosecutor, may deem necessary for the prosecution of the inquiry into the official conduct of the Hon. Charles Tait; as also subpoenas for such witnesses as the judge may deem necessary for his exculpation; and that said subpoenas be made returnable on the first Monday in November next.

From the House Journal, November, 1806, p. 21.—Mr. Simons presented a letter directed to the Speaker (Benjamin Whitaker) from Major-General John Clark, requesting to be admitted to interrogate the witnesses before the committee appointed to investigate the official conduct of the Hon. Charles Tait; which being read, and debate had thereon, Mr. Morell moved that Gen. John Clark have leave to withdraw his letter addressed to the Speaker; and, on the question put thereon, it was resolved in the affirmative,—Yeas, 57; Nays, 3,—Mr. Crawford voting in the affirmative.

P. 23. On motion of Mr. Welscher,—

Resolved, That the committee on the memorial of Gen. Clark be authorized to cause subpoenas to be served on such witnesses as may be

required by the memorialist, and that an express or expresses be employed and immediately sent off for that purpose, and that the expense attending the same be paid out of the contingent fund.

P. 61. The House took up the report of the select committee to whom was referred the memorial of Gen. John Clark ; and the same, being read, is as follows :—

The committee appointed on the memorial of General John Clark, to inquire into the official conduct of the Honorable Charles Tait, Judge of the Superior Court of the Western circuit of this State, report, that they have, in the prosecution of the inquiry, examined twenty-eight witnesses, whose names were furnished them by Gen. Clark to substantiate the several charges contained in his memorial.

Your committee, in discharging the duty assigned them, have, from the peculiarity of their situation and from a desire that a full and fair investigation might be had, given a latitude in the admission of testimony not warranted by the rules of evidence or sound reason. From a thorough consideration of the testimony so received, it appears to your committee that a warrant for negro-stealing was issued in the town of Salisbury, in the State of North Carolina, bearing date the seventh day of November, 1805, against one Robert Clary, which warrant was placed in the hands of one Josiah Glass, to whom it was in the body thereof specially directed, and which warrant was presented by the said Glass to Judge Tait, in the town of Sparta, on the 24th of February last, with a request that he would back the same, which the judge without hesitation did. That the said warrant was afterward presented by Glass to Edward Bryan, Esq., a justice of the peace of the county of Washington, who also backed the same. That Robert Clary was taken upon the said warrant and carried to Greene Superior Court by Glass, to which court he was himself recognised to appear, to answer to an indictment for an assault. That on the first day of the said court, Glass by letter requested the judge to attend and take the examination of a man then in his custody, who would make confessions highly interesting to the State and the United States. That on the night of the same day, the judge, accompanied by Oliver Skinner, Esq., attended to take the examination, which was, however, not completed that night ; but the judge, accompanied by the said Oliver Skinner, completed the same the next evening, and gave Glass a certified copy thereof to take to North Carolina, whither Glass was going to take Clary as a witness against the notorious Collins. That, from the whole of the evidence taken, it doth not appear to your committee that Judge Tait had any connection with either Glass or Clary, or knew what confession Clary would make. That the conduct of the judge through the whole transaction appears to be fair and upright, and to have been done from a sense of duty.

Your committee are decidedly of opinion that no improper or corrupt motives can with justice or truth be imputed to the judge on that occasion, and that, if the reputation of the memorialist has been injured by the confession, such injury cannot with propriety or truth be attributed to the judge. Your committee, therefore, forbearing further comment, beg leave to recommend the adoption of the following resolutions :—

1. *Resolved*, That the several charges exhibited against the Honorable Charles Tait, in the memorial of General John Clark, are unfounded in fact and unsupported by evidence.

2. *Resolved*, That the official conduct of the Honorable Charles Tait entitles him to the confidence of this House and of his fellow-citizens.

After debate had thereon, the question was taken on the first resolution and decided in the affirmative,—Yeas, 53; Nays, 3,—Mr. Crawford voting in the affirmative.

The question was then taken on the second resolution and decided in the affirmative,—Yeas, 52; Nays, 4,—Mr. Crawford voting in the affirmative.

GEORGE R. CLAYTON.

Extract from the message of Gov. John Milledge, dated Louisville, September 23, 1806. House Journal, p. 7.

I gave the appointment of Treasurer to my Secretary, George Rootes Clayton, Esq. His long course of public duty which he discharged while in the Executive Office, under a slender salary, with talents and great integrity, seemed to me to claim from the Government, as a reward due to his public merit, a higher appointment than the one he held.* Indeed, I should be wanting in justice to my own feelings and to the several officers whose duties have been performed immediately under my own eye, were I to retire from the Government without expressing my fullest approbation of their public conduct.

BOUNDARY COMMISSIONERS, ETC.

November Session, 1806. House Journal, p. 83.—On motion of Mr. Crawford,—

Ordered, That the Clerk inform the Senate that this House is now ready to receive them in the Representative-Chamber, for the purpose of electing three commissioners to ascertain the 35th degree of north latitude and to run and mark the dividing-line between this State and the State of North Carolina, three commissioners for the sale of the fractional surveys, one commissioner of the land-lottery in the room of Edwin Mounger, Esq., resigned, and an adjutant-general.

Whereupon the president and members of the Senate attended, and, being seated in the Representative-Chamber, both branches proceeded by joint-ballot to the said elections; and, on the ballots being received and examined, it appeared that Thomas P. Carnes, Thomas Flournoy, and William Barnett, Esqs. were duly elected to ascertain the 35th degree of north latitude and to run and mark the dividing-line between this State and the State of North Carolina; Reddick Simms, Obadiah Echols, and Francis Flournoy, Esqs., Commissioners for the sale of the fractional surveys; James Bozeman, Esq., Commissioner of the land-lottery; and Daniel Newnan, Esq., Adjutant-General.

THIRD TERM FOR PRESIDENT JEFFERSON.

December 6, 1806. House Journal, p. 87. On motion of Mr. Crawford,—

Unanimously Resolved, That this Legislature, composed of the immediate Representatives of the people, by them elected to declare their will, viewing the blessings and distinguished political benefits derived in a State and national capacity from the impartial, wise, and judicious administration

* Mr. Clayton afterward held the office of State Treasurer for about twenty years,—exact and faithful to the last.

of THOMAS JEFFERSON, President of the United States, embrace this opportunity of expressing their full and entire confidence and approbation of his official conduct. At the present momentous crisis, when the civilized nations of the Old World, to whom we are bound by the ties of interest or political friendship, are convulsed, and either engaged in the prosecution of destructive wars or forming coalitions which threaten the destruction of nations and dynasties, it is of the utmost importance that our political bark should be directed by the hand of a master in whose integrity, discretion, and wisdom the people of these United States can with safety rely. We therefore, in the name of the people of Georgia, request that THOMAS JEFFERSON will devote four years more of his life to the service of his country, in order more permanently to establish those principles of political liberty which are the boast and glory of Republican America.

Resolved, unanimously, That his Excellency the Governor do, without delay, transmit a copy of these resolutions to our members in Congress, by them to be presented to our fellow-citizen Thomas Jefferson.

The resolutions were immediately communicated to the Senate, and there unanimously concurred in.

It is believed that these fragments of legislative history will prove interesting to the public, especially as the trial of Judge Tait is said to have provoked the enmity of Gen. John Clark on Mr. Crawford, thereby causing that inexorable party strife which for twenty years existed between those gentlemen and their respective adherents. Mr. Crawford's votes stand recorded for the acquittal of Judge Tait; and that is the only reason, *afforded by the record*, of Gen. Clark's persevering vindictiveness.

After referring to the duel with Van Allen, Gov. Gilmer* says:—

Gen. Clark, who having fought with fame at the battle of Jack's Creek, and distinguished himself by the active part which he took in the brawls common in those days, thought his efforts might be attended with better success. A challenge was sent to Mr. Crawford and accepted. On the day of the meeting, Clark and his second harassed him with quibbles and controversies until he was out of temper and off his guard. When he took his position, his disengaged arm was forgotten and suffered to hang outside his body, so that Gen. Clark's ball struck his wrist, which would otherwise have passed harmlessly by. Clark's hatred was increased instead of being appeased by his accidental success. He renewed his challenge without any renewed offence, and continued as long as he lived in Georgia to obstruct, by all the means which he could command, the way of Mr. Crawford's political advancement.

Mr. Crawford was elected a member of the Legislature by the people of Oglethorpe for several successive years. His vigorous intellect and active industry entitled him to the first place among the members,—a position which he was not slow in assuming.

He was elected to the United States Senate in 1807, and was soon

* Georgians, p. 125.

considered one of the great men of the most select of the legislative bodies of the world. He had the confidence of Mr. Jefferson, and was one of Mr. Madison's most influential advisers. He showed his fearlessness in the discharge of public duty by attacking Mr. Madison's Delphic-like recommendations when decisive measures were required by the state of the country. He was rewarded for his independence by being sent minister to France. His tall, commanding person figured conspicuously among the diminutive Frenchmen, whilst his noble features and gallant temper rendered him a great favorite in Parisian society. When he returned home, polished by intimate association with the highest class of the politest nation, his appearance and manners made him the most imposing gentleman who had ever been seen in Georgia. He indeed surpassed in personal appearance Mr. Clay, Mr. Calhoun, Mr. Lowndes, and General Jackson, his rivals for the Presidency,—though each one of them would have attracted attention among a million.

Our country has been represented abroad by very able ministers, from the time of Dr. Franklin to President Buchanan; but of them all, if there had to be one selected as the Colossus of intellect, there would be no difference of opinion in awarding the honor to Mr. Crawford. From such a mind much may be expected. While discharging his embassy at Paris, Mr. Crawford wrote several letters to Mr. Clay, one of the United States Commissioners to negotiate peace with Great Britain at Ghent. The first letter describes the capture of Paris by the allies:—

PARIS, April 8, 1814.

DEAR SIR:—The events which have within a few days passed in this city and in its neighborhood have changed every thing in France but the character of the Parisians, and perhaps of Frenchmen in general.

On the 30th ult., a battle was fought in the vicinity of Paris, by the French troops under the Duke of Ragusa, amounting to between fifteen and twenty thousand men, and the grand allied army. The loss was considerable on both sides; but that of the allies was more than double. It is estimated from eight to ten thousand men. The disparity in the loss was the result of the strong positions of the French troops, and the desire of the allies to get possession of the capital before the arrival of the Emperor Napoleon, who was advancing by rapid marches upon their rear. This desire was so predominant that they made no attempt to turn those positions, but marched directly up to the intrenchments, where they were repulsed four or five times. The battle commenced about four o'clock A.M., and finished about the same time in the evening. The Duke of Ragusa entered into a convention, by which he agreed to evacuate the city, taking with him all his baggage, ammunition, and artillery.

The next day the Emperor of Russia and King of Prussia entered Paris at the head of about fifty thousand of the finest troops in the world. The remainder of their immense army either defiled on the north or south side of the city, or remained in their positions on the east, which was the field of battle. The Emperor of Russia, with his Minister of Foreign Relations, went directly to the house of the Prince of Benevento,* who convened

* Talleyrand.

the Senate the same evening, and had himself and three of his friends, with one devoted Bourbonite, named to the provisional government. The Senate had deposed Napoleon Bonaparte, and directed the provisional government to form a Constitution,—which has been accomplished, and accepted by the Senate and the small portion of the legislative corps who are now in Paris. The *Moniteur* of this day contains this Constitution, which you will probably see before you receive this letter. The monarchy is declared to be hereditary in the house of Bourbon in the male line. The present Senators remain Senators of the realm by the same tenure,—the Senate to consist of one hundred and fifty at least, and not more than two hundred. The ancient and new nobility to remain. All Frenchmen to be capable of filling all the offices of the Government. The members of the legislative corps to hold their offices for five years, and to be elected directly by the people.

The proceedings of the Senate and of the provisional government have overturned the authority of the Emperor with his army, and especially with his ablest generals. He seems to have sunk without an effort,—at least, without an effort corresponding in any degree with his former fame. Such, at least, is the conclusion which I draw from the facts which are communicated to the public. It is possible that these facts may be misrepresented. I believe, however, that it is certain that he has agreed to retire with his family to the isle of Elba upon a pension of six millions of livres. From the moment he saw that it was impossible for him to reign, he ought to have died. The manner was in his election. A strange infatuation seems to have influenced his conduct during the last six months. Still relying upon his talents and his power, he refused, at Prague, to secure at least the neutrality of Austria, by giving her every thing she required. After having retreated across the Rhine, he reluctantly accepted the basis which the allies proposed, and which there is some reason to believe they were sincerely disposed to adopt. Lord Castlereagh's mission, however, according to the best view of the subject which I have been able to take, was intended solely to prevent this accommodation. Time will prove the accuracy or inaccuracy of this opinion. There must have been great address employed in managing the Emperor of Austria, who had rejected all idea of overthrowing the reigning dynasty. The infatuation of the Emperor, and his arrogance to his father-in-law, (if we are to credit reports apparently well founded,) greatly contributed to the success of the British Secretary.* That the Emperor of Austria had been duped is clearly established by the declaration of the allies after the breaking up of the congress at Chatillon, and by the conduct of Lord Wellington. This declaration states that up to the 15th of March they were ready to make peace with the Emperor Napoleon; whereas the address of Lord Wellington, on the 2d of February, declares Louis XVIII. and raises the Bourbon standard. The introduction of the ancient dynasty is not acceptable to the great body of the people of Paris. Even now, after the Senate and provisional government have declared for that dynasty, there is not one man in a hundred who puts on the white cockade. On the day of the entry of the allied sovereigns, all the persons devoted to their ancient kings

* Robert Stewart, Marquis of Londonderry, (known as Lord Castlereagh, who fought a duel with Mr. Canning,) was appointed Secretary of Foreign Affairs in 1812. As leader of the House of Commons, his mind became impaired by excessive labor in 1822, and in August of that year he committed suicide by applying a penknife to his neck.

endeavored to make themselves as conspicuous as possible, and to conceal the smallness of their numbers by continual change of place. Exertions were made to excite popular feeling and tumult, but without effort. But for the National Guard, popular tumult would have been excited, perhaps, but not in favor of the Bourbons. If the mob of Paris had been put in motion, it would have been in favor of a free government.

The men now in power, as far as I have been able to judge, have preferred the succession of the King of Rome, with a regency provided by the Empress; but the Emperor Alexander, who, under the modest exterior of submitting every thing to the will of the French people, dictates to the Senate and provisional government at least this article of their Constitution.

I did not anticipate precisely the manner in which this European peace was to be consummated. I most sincerely wish you complete success in your negotiations, although I apprehend that great difficulties will be presented. Under existing circumstances, if peace is made, I presume that the treaty will be very short, concluding nothing but peace and the restoration of what territory may be in the hands of either party by conquest, if there is any such.

P.S.—I send this by the Secretary of the Danish Legation, who sets out immediately for Copenhagen, which gives me no opportunity for reflection or revision of this hasty scrawl, as I have just been informed of the fact of his setting out.

MR. CRAWFORD TO MR. CLAY.

PARIS, June 10, 1814.

MY DEAR SIR:—Mr. Carroll arrived a few days ago, and brought me your letters of the 10th and 14th ult. The change in the place* of the negotiation for peace will enable me to write you frequently, and will afford me the pleasure of receiving from you the most interesting details upon the advances which you shall make from day to day in the work of peace. My expectations of a happy result are not strong. The arrogance of the enemy was never greater than at the present moment. The infatuation of that nation excludes almost the possibility of peace. The ministry is represented as being very temperate and moderate. In my former communications I have stated the reasons which I have for doubting the sincerity of their professions of moderation. I may have been wrong in my inferences. I wish that the result may correct me of this error. Admitting the possibility that the British ministers will consent to make peace, without deciding any thing upon the question of impressment, will your instructions justify you in accepting it? So far as I am acquainted with the nature of those instructions, their letter will not. But those instructions were given at a time when the great changes which have intervened in Europe were not only unknown, but wholly unexpected. What will be the effect which these changes will produce upon the determination of the Government? Will the Government, after they are informed of these changes, give directions to conclude peace, leaving the question of impressment open to further negotiation? Will it consent to a peace which shall make no mention of this question? I presume it will. If the negotiators shall be of this opinion, ought they to hesitate

* From Gottenburg, in Sweden, to Ghent, in Belgium.

to accept, in the most prompt manner, of a peace which they are convinced the Government will instruct them to make so soon as it is informed of the actual state of things? I should answer, promptly, No. A peace which omits the question of impressment entirely will leave the American Government at perfect liberty to apply the proper remedy whenever the evil shall be felt. I do not believe that you will be placed in a situation to determine this question. I believe they will insist upon the unqualified admission of their right to impress on board American vessels at sea. This, I trust, will never be conceded. It would be better to return to our colonial relations with *our mother-country* than submit to this condition.

As there is but a faint glimmering of hope that the negotiation will terminate in peace, the next important point to be obtained is that it shall break off upon principles which will convince the American people, of all parties, that peace can be obtained only by the most vigorous prosecution of the war. I have the most unlimited confidence in the skill and address of our negotiators. I am perfectly satisfied that the negotiation will be conducted with a view to affect this important point. I have seen and conversed with several Englishmen in Paris upon the question of impressment, and find the most of them very ignorant and arrogant. Sir Thomas Baring is an exception to this remark. But his mode of adjusting the question is wholly inadmissible. He proposes that no impressment shall be made in vessels engaged in the coasting-trade,—that no impressment shall take place in vessels engaged in the foreign trade in sight of the American coast. He thinks the ministry will hardly go so far. A merchant of the name of Wilson says that an arrangement of a different nature would be satisfactory to the nation. It is this:—that when a British officer shall visit an American vessel and designate any one of the crew as a British subject, and he should admit the fact, that the master or captain of the American vessel should deliver him up; if the man should deny that he is an Englishman, and the captain should refuse to deliver him up, that the visiting officer should endorse the ship's papers with the name of the sailor and with his allegation. The question of nationality shall be inquired into at the first port at which the vessel shall touch where there is a British consul: if found against the sailor, the captain shall pay a fine, or the expenses of the investigation, and the sailor shall be delivered up; if for him, the British consul—or, if in England, the British Government—should be subject to the same payment. He says that in the case of an admitted British subject, if the American captain should declare that the loss of the man would endanger the vessel, that he should be kept on board until the vessel entered the port of destination, when the captain should be bound to deliver him over to the British consul, or officer authorized to receive him.

I see no objection to this plan, except that the captain should not be permitted to deliver any man who denies the charge until it is established against him. This arrangement will give the enemy the absolute control over their own seamen, as far as the fact of nationality can be established. It at the same time screens American sailors from arbitrary impressment. If the vessel should be bound to the ports of a nation at war with England, it might be made the duty of the American consul at such port to ship him on board an American vessel bound to England, to the United States, or to a neutral port, where the fact should be promptly settled. I do not believe that this arrangement will be acceptable to the Government of

England, because I do not believe they will be satisfied with any arrangement which will prevent their seizing upon the sailors of other nations. If I am correct in my conjecture, the proposition will embarrass them; and the rejection will prove to the most prejudiced mind that they are determined to make the American sailors fight the battles which are to rivet the chains of slavery which they have been forging for all maritime states, and especially for the seafaring men of those states, for a century past. I have thought that this arrangement ought to be suggested to you, because it may not have occurred to any one of our ministers. I think it highly improbable that the English negotiators will make any proposition of this nature. If their pretensions shall be so moderate as to afford rational ground for discussion, this arrangement may be proposed with advantage.

If their views are so unreasonable as to exclude discussion, that of itself will have the happy effect of convincing all parties that the peace must be obtained by the sword alone. But even in this case, when the rejection of the arrangement will be certain, I am inclined to believe that the proposition, coming from the American ministers, will have a tendency to elucidate the extent of the concessions which they demand upon this point, more satisfactorily than any other mode which has been presented to my mind. Mr. Wilson is a true John Bull,—but, I believe, a very honest man, and, I am sure, sincerely desirous of peace. The rejection of the arrangement will probably have some effect upon the English nation itself. If this principle will be satisfactory to Mr. Wilson, it is probable that it will be acceptable to many others,—in fact, to all reasonable men,—to all men who have not formed the foolish and extravagant idea of recolonizing the United States.

I have felt that it was my duty to present this subject to you in its fullest extent. I have verbally communicated it to Mr. Bayard. It is probable that Mr. Wilson may have communicated this idea to Mr. Gallatin, as he made his acquaintance, and that of Mr. Bayard's also, in London. He had not suggested it to the latter.

I will obtain the necessary passports for you and send them on to Ghent, as the *Moniteur* of yesterday has notified that it is necessary to have them to leave the kingdom. I suppose it is equally necessary to enter it.

From the letters which I have written to you, you will perceive that some of my inferences have been proved, by subsequent events, to be incorrect. I reasoned from the facts as they were presented to my mind; and I feel no mortification at the result. If it was my duty to communicate every thing to you which I knew or believed at the moment of writing, I do not feel any mortification that some of my conjectures, some of my inferences, have proved to be incorrect.

I have authority to draw on the bankers of the United States for diplomatic intercourse and for disbursements for distressed seamen. Under the first head I can satisfy Mr. Carroll's expenses, and should do it with great pleasure on his own account, as well as upon your request. I am well acquainted with his father, and entertain the highest esteem for him.

This letter will be delivered to you by Mr. Bayard, who, I am happy to inform you, coincides with me in every question relative to the peace. He believes, with me, if the nation can be united in the prosecution of the war, that the interest of the United States will be promoted by the failure

of the negotiation. He will heartily unite with you in bringing the discussions to a close that will secure this great object. I think, from the English papers, that no armistice has been agreed upon. I rejoice that it has failed. It might have done us much injury, but could not possibly do us any good.

God bless you, my dear sir, and bless your labors, and make them useful to your country. Mine, I believe, are like water spilled on the ground, that can never be gathered. Adieu.

MR. CRAWFORD TO MR. CLAY.

PARIS, July 4, 1814.

MY DEAR SIR:—I have but little to add to the contents of my preceding letters. Mr. Gallatin, and the young gentlemen who accompany or follow immediately after him, will give you the ephemeral news of this capital. There is little doing here which can interest an American citizen.

I am not sanguine in my expectations of peace. If the failure of your exertions to put an end to the war shall succeed in producing unanimity at home, we shall have no cause to lament that failure. I am thoroughly convinced that the United States can never be called upon to treat under circumstances less auspicious than those which exist at the present moment, unless our internal bickerings shall continue to weaken the efforts of the Government. I sincerely trust that this will not be the case. In your letter to Messrs. Gallatin and Bayard, you state that the elections in the East had terminated against the Government, but by smaller majorities than on the preceding elections. I have not yet received any further information upon the subject than what is contained in that letter. There is a chasm in my newspapers, delivered by Mr. Carroll, from the 19th March to 5th April. If you can supply this chasm, you will greatly oblige me.

From what I have lately discovered of the councils of this nation, and of the temper of the principal maritime states of Europe, I am inclined to believe that the time at which they may be disposed to oppose the maritime usurpations of our enemy will be more distant than I had previously imagined. At all events, I am fearful that it will be more distant than we shall be disposed to prosecute the war, to avoid concessions which they will feel as severely as we shall.

In the prosecution of the war, the great difficulty we shall have to encounter will be the raising of money. The war will give us soldiers and point out the officers qualified to command, but it will neither coin money or increase our credit. If we can get through this campaign without any signal defeat and without the loss of any of our principal commercial cities, and can raise for the ensuing year the sums necessary for the prosecution of the war, we shall find ourselves in much more eligible circumstances at the close of the next campaign than we are at present.

I do not look forward with dismay: I believe we shall rise superior to all the difficulties with which we are surrounded. I trust we shall live to enjoy many happy celebrations of this anniversary of our national existence.

Give my best respects to your colleagues, and accept for yourself the assurance of my warmest friendship.

P.S.—I will send by Mr. Todd the passport necessary to enable you to

come to Paris after you close your diplomatic functions. I repeat my request that you will make my house your home during your residence here. If you wish to take a disciple of Pestalozzi with you to the United States, one can be obtained. Upon him you can impose the condition of teaching the Greek and Latin. You will have, however, to maintain him until he learns English enough to teach. The economy of Switzerland makes this expense very inconsiderable. I have learned with great pleasure, from the enemies of the system, that it has overcome the prejudices even of the priesthood.

MR. CRAWFORD TO MR. CLAY.

PARIS, July 9, 1814,

MY DEAR SIR:—I acknowledge with much pleasure your very interesting letter of the 2d instant, by the hands of Mr. Carroll.

It appears that we differ in opinion upon two points. You believe that the British Government will not hesitate to make peace, leaving the question of impressment wholly out of view. You appear also to believe that the events of the present campaign will have a favorable effect upon your negotiations. I sincerely wish you may be right; but I am strongly inclined to believe that the result will prove your opinions to be incorrect.

When I foresaw that peace would probably take place in Europe in the early part of the year, I did not expect that the manner in which the war has terminated would so inflate the arrogance of the enemy as it manifestly has done. I thought, as you now think, that England would not hesitate to make peace by waiving the question of impressment. I am even now convinced that her interest requires that this course should be adopted. There are, however, occasions in which nations, like individuals, blinded by some momentary but predominant passion, turn a deaf ear to the voice of interest. This I presume to be the case with our enemy at the present moment. Various facts which have come to my knowledge have led me to believe that she will now decidedly reject any proposition which you can make which does not admit the legality of her practice of impressment on board American vessels at sea.

At the moment, however, when I presented to the joint embassy the idea of making peace by omitting this question, even if your instructions did not literally warrant it, I still believed that England would consent to this course. At that time I expected the negotiation to open at Gottenburg, about the 1st of May. I did not expect that instructions would be received from the Government, founded on the recent changes of Europe, before the month of August. At the date of my letter to you of the 10th ultimo, my opinion of the views of the British Government had in some degree changed; but even then I expected the negotiation to open a month sooner than it probably will. I also expected that the change of the seat of negotiations would probably postpone the receipt of the instructions expected from the United States. These reasons, together with those which arise from the expectation of a different result from our military operations from that which you entertain, aided by the express wish of Mr. Bayard that I should present the question anew to you individually, must plead my apology for its intrusion upon your attention.

If there was any rational ground to expect that by a longer prosecution of the war we should ultimately succeed in compelling the enemy to relinquish, by treaty, the practice of impressment, I would not hesitate to

continue the war. I believe there is no such reasonable ground of expectation, unless we are disposed to bequeath this war to our sons.

* * * * *

The Russian officers now in Paris who have been in England are highly disgusted with that nation. They speak of a war with Austria as certain. In this I think they are mistaken. If war breaks out on the Continent, I presume England, in her present temper, must have a finger in it. In this question, however, as she has no resentments to gratify, she will be governed by her interest. She will, therefore, be against that power which is most commercial and the destruction of whose commerce will tend most directly to her interest.

I must really apologize to you for the length of my letters.

Present me most respectfully to your colleagues, and accept yourself the assurance of my most sincere friendship.

P.S.—Mr. Carroll leaves Paris sooner than I expected. I will send your passport by Mr. Todd.

Remember me to the young gentlemen of the mission.

MR. CRAWFORD TO MR. CLAY.

PARIS, July 19, 1814.

MY DEAR SIR :—The departure of Messrs. Blanchard and Elliot for Ghent enables me to send you the passport which I have obtained for you. They will be able to give you the ephemeral news of this capital.

I dined a few days ago in company with the Marquis of Buckinghamshire. We conversed long and freely upon the subject of the approaching negotiation. The result of our conversation was that there can be no peace. He insists absolutely that the question shall be settled in this treaty, and, of course, that it shall be settled entirely in their favor. He attempted to derive their right to take (for he insisted upon dropping the word *impressment*, to which I assented) their seamen from our vessels, from the law of nations.

It is certainly a pleasant reflection that two such men as Mr. Crawford and Mr. Clay, men of gigantic intellect, of expanding greatness at home, should both be engaged abroad in the diplomatic service of their country—one as Minister Plenipotentiary and the other as Commissioner Extraordinary—in the midst of the convulsions of Europe. How they both acquitted themselves of the high trusts committed to them, history has long since declared. Honor and gratitude awaited their return. The picture of social communion between these eminent citizens while on another continent is rendered still more attractive by the rivalry which it was their fortune to maintain, ten years afterward, for the first office in the Government. But they had too much nobility of spirit to suffer this conflict of parties to change the personal relations of the two great leaders. The narrative will bring them together again in friendly correspondence after both have filled places in the Cabinet.

From the time of accepting the mission to France in 1814, Mr. Crawford continued in high Executive employments until March 4, 1825, when he retired to private life, after declining a reappointment as Secretary of the Treasury, tendered him by President Adams. Some of the events of that period will be here noticed.

On the 3d of March, 1815, Mr. Crawford's appointment as Secretary of War, on the nomination by President Madison, was confirmed by the Senate of the United States. During the recess, October 22, 1816, he was transferred to the Treasury Department. On the coming in of President Monroe's administration, March 4, 1817, Mr. Crawford was again nominated to the same office, and confirmed the next day. He continued in the office of Secretary of the Treasury through both terms of President Monroe. His official reports have been justly ranked with the ablest that ever emanated from that Department. Indeed, he was a worthy successor of such financiers as Hamilton, Gallatin, and Dallas, and the equal of any one of them in the ability to investigate and the logic to unfold the intricacies of political science. It is not deemed necessary to refer to any documents for the truth of this assertion. Congress, the heads of Department, the verdict of the country, have affirmed it for the last thirty years. No higher authority can be adduced for any movement affecting the public revenue than the opinion of Mr. Crawford. Extracts from his reports and other official papers are often submitted by his successors in office to justify particular acts. The precedent has the authority of a judicial determination.

From the time he entered the Cabinet, Mr. Crawford was looked to by the public as a suitable man for President of the United States. At the session of 1822-23 he was nominated in a caucus of the Republican members of Congress. During the campaign his claims were examined by the partisan press, and he was subjected to the most bitter and unjust persecution. Those who desire to see the machinery used in preparing for a Presidential canvass are referred to the letter of the Hon. John Elliott, a Senator in Congress from Georgia, to be found in the Appendix* to this volume; and those who are curious to see the result officially stated will be informed by the letter of the Hon. R. H. Wilde, (No. 131,) also in the Appendix.

Perhaps at no stage of this memoir could a letter from Mr.

* Memoir of Gen. Blackshear,—No. 125 of the papers attached.

Jefferson to Mr. Crawford, relative to the defeat of the latter for President, be more appropriately introduced. It has never before been made public; and it is permitted to appear only at the special desire of the author of this work, expressed in a communication to the gentleman* who furnished it.

THOMAS JEFFERSON TO WILLIAM H. CRAWFORD.

MONTICELLO, February 15, 1825.

DEAR SIR :—Your two letters, of January 31 and February 4, were received in due time. With the former came safely the seeds from Mr. Appleton, which I commit to the Agricultural Society of our county, of which Mr. Madison is president.

Of the talents and qualifications of Dr. Jackson as a professor in the branches of science specified in your last letter, your recommendation would have had great weight in our estimation; but our professors are all designated, so that we have no vacancy in which we can avail ourselves of his services.

I had kept back my acknowledgment of these letters, in the hope I might have added in it congratulations which would have been very cordially offered. I learned yesterday, however, that events had not been what we had wished. The disappointment will be deeply felt by our State generally, and by no one in it more seriously than myself. I confess that what we have seen in the course of this election has very much damped the confidence I had hitherto reposed in the discretion of my fellow-citizens. The ignorance of character, the personal partialities, and the inattention to the qualifications which ought to have guided their choice, augur ill of the wisdom of our future course. Looking, too, to Congress, my hopes are not strengthened. A decided majority there seem to measure their powers only by what they may think, or pretend to think, for the general welfare of the States. All limitations, therefore, are prostrated, and the general welfare in name, but consolidation in effect, is now the principle of every department of the Government.

I have not long to witness this; but it adds another to the motives by which the decays of nature so finely prepare us for welcoming the hour of exit from this state of being. Be assured that in your retirement you will carry with you my confidence, and sincere prayers for your health, happiness, and prosperity.

TH. JEFFERSON.

Testimony from so distinguished a quarter—from the founder of the Republican party in the United States, no less a man than the author of the Declaration of American Independence himself, and one of the most learned and sagacious politicians the world has ever produced—must have been gratifying to Mr. Crawford at the time, as it will remain an enduring memorial, honorable to his memory.

* George M. Dudley, Esq., son-in-law of Mr. Crawford,—having married his eldest daughter, Caroline, who was the amanuensis of her father during his affliction while Secretary of the Treasury.

After his return to Georgia, Mr. Crawford visited Milledgeville in the early part of the session of 1825,—when the Clark party had a majority in both branches of the Legislature, though Troup had been elected Governor at the same election. The civilities of a public dinner were tendered and accepted, as the following correspondence will show :—

MILLEDGEVILLE, November 11, 1825.

SIR :—The citizens of the town of Milledgeville, not less disposed to honor and respect virtue and integrity than those of any other town, State, or country, have (influenced by a degree of proper respect for the well-earned merits of a distinguished citizen of Georgia) determined to pay you that attention which, in their opinion, is appropriately due you. They have therefore resolved to manifest to you and their country their esteem for your public and private worth, by giving to you a public entertainment during your stay among them, and have, in pursuance thereof, directed the undersigned to notify you of the same, and give you the invitation so determined on by our citizens, and further to know of you when it will be convenient for you to attend.

With considerations of high regard, we have the honor to be, sir, your obedient servants,

HINES HOLT,
J. S. CALHOUN,
WM. H. TORRANCE,
LUCIUS Q. C. LAMAR,
WM. Y. HANSELL.

Hon. WM. H. CRAWFORD.

MR. CRAWFORD'S REPLY.

MILLEDGEVILLE, November 11, 1825.

GENTLEMEN :—Your friendly letter of this date, inviting me to a public dinner, has been just received. I accept the invitation with great pleasure, under a conviction that testimonials of this nature may operate as a stimulus to virtuous exertion and therefore may be useful to the Republic. For your kind expression in relation to myself, be pleased, gentlemen, to accept my most grateful thanks, both individually and collectively.

I am, gentlemen, with sentiments of high consideration, your most obedient servant and fellow-citizen,

WM. H. CRAWFORD.

To Hines Holt, J. S. Calhoun, Wm. H. Torrance, Lucius Q. C. Lamar, and Wm. Y. Hansell, Esquires.

Among the toasts offered on the occasion were the following :—

6. *Our distinguished guest.*—Reared in the school of Republicans, public employments at home and abroad have not impaired the simplicity of his character.

By the Hon. Wm. H. Crawford.—Education, the frequency and freedom of elections, the main pillars of Constitutional government.

Before tracing Mr. Crawford any farther, the author begs leave to incorporate in this memoir portions of a letter from Col. Dudley, in reply to one requesting information relative to Mr. Crawford,

which had not been published, and especially in regard to the manner of preparing his Treasury reports while he was confined to his room by the long and painful illness which alone, in the opinion of many, prevented his election to the Presidency. Though perhaps intended as a private letter, the author relies upon the kindness of Col. Dudley to excuse the liberty here taken:—

The notice taken of him [Mr. Crawford] by Col. Benton, in his book, is quite as impartial as his friends had a right to expect; and his testimony is the more valuable because given by one whose political position inclined him to accord no more to Mr. Crawford than exact justice seemed to demand.

The facts in respect to Mr. Crawford's last report as Secretary of the Treasury are about these. He could not see to write at all, nor had he the physical ability to encounter the labor of preparing his report. Mr. Forsyth, among others, kindly offered to write it out for him. This offer was accepted, and Mr. F. was furnished with the outlines needed to frame the report. The report was drawn up by Mr. Forsyth and submitted to Mr. Crawford for approval before signature. In consequence, no doubt, of the pressure of Mr. Forsyth's official engagements, and not from any want of ability or lack of kindness to Mr. Crawford, the report was not satisfactory, and it was considered necessary to write it over again. Mr. Crawford sent for Asbury Dickens to come to his bedside and learn the facts in detail necessary to be embodied, and from them to prepare a full and perfect report. Mr. Dickens made several attempts to write out the report before it was satisfactory, but at last succeeded to Mr. Crawford's entire satisfaction.

It is true that his daughter did much of his writing, but generally at his own dictation. Nothing official escaped his severest scrutiny before it was given to the public. Notwithstanding this, Mr. Crawford seems to have retained fewer copies of his letters and papers than any man who ever occupied the position he did before the public view. Having always a contempt for intrigue, he never seems to have suspected anybody, and was the last to believe that anybody was plotting against him. His daughter frequently signed his name to official papers, at his request, during his illness; and those signatures were generally taken to be his own, even by those best acquainted with his autograph. In this way some of his friends never, in truth, understood the force and violence of his disease, but constantly affirmed that he could not be so sick as he was represented to be; because, they said, it was impossible for a man even partially paralyzed to write his name as he wrote it,—so firm, so bold, so manly, was the signature. There was also a very striking resemblance between his own and his daughter's handwriting in general, as well as in respect to the signature.

In consequence of the strong personal attachment shown Mr. Crawford by Mr. Bayard, Mr. Louis McLane, and other distinguished and magnanimous disciples of the Federal school of politics, as well as in consequence of his advocating the national bank, he was at one time called a Federalist. Perhaps the dauntless intrepidity with which Mr. McLane sustained his claims to the Presidency in the darkest hour of his political fortunes gave strength and vigor to the imputation. But, while we feel assured that to account for Mr. McLane's vote on the ground of party or

personal attachment alone would be doing great injustice to his character, we are equally well assured that Mr. Crawford's high respect and cordial friendship for Mr. McLane, and other members of the Federal party, never impaired in the slightest degree his devotion to the doctrines which distinguished the Republican party from the days of Jefferson to the present hour.

There was an incident connected with Mr. Crawford's appointment as minister to the court of St. Cloud, by President Madison, which adds another to the many proofs of the magnanimity of the latter, and shows how far above selfish considerations he placed what he believed to be the public weal. At the opening of the session of Congress preceding this appointment, Mr. Crawford had indulged in some severe strictures upon the President's message. Among other things, he compared it to the axioms of the Delphic oracle, which meant any thing or nothing as best comported with the taste of the inquirer. The North and East were opposed to the war,—though it was on their account principally that war was declared,—while the South and West were for it. "This message," said Mr. Crawford, "is sufficiently Delphic for either point of the compass." A less philosophical temperament, a less magnanimous and patriotic President, might have been so vexed with the speaker as to have declined all further intercourse with him. But not so Mr. Madison. Times and circumstances pointed to Mr. Crawford as a suitable minister to France; and he was appointed without hesitation, notwithstanding his severe criticisms upon the message.

Though Mr. Crawford has told us of the bow he made on his presentation to the Emperor Napoleon, his modesty prevented him from saying what special honors he received in return. We are indebted to his secretary* of legation and others for the following incident. By these it is stated that Napoleon was so much struck with his firm step, his lofty bearing, his tall, manly, and imposing figure, decorated for the first time in whatever additional grandeur the splendors of the court-dress of the Empire can throw around one of nature's noblest mould, the mild radiance of his clear blue eyes, and the undisturbed serenity of his eloquent countenance, he avowed that Mr. Crawford was the only man to whom he had ever felt constrained to bow, and that on that occasion he had involuntarily bowed twice as he received the minister from the United States. The homage thus paid him by the Emperor was said to be a rare if not unprecedented occurrence at this court. The Emperor was one of those who observed, upon looking at Mr. Crawford, that he was among the few distinguished men whose actual appearance more than realized what one anticipated before seeing him.

I herewith send you a copy of a letter received by Mr. Crawford from Mr. Jefferson immediately after Mr. Adams' election by the House of Representatives, in 1825, and which mainly refers to that event, and is an expression of sentiment by Mr. Jefferson upon the result of that election.

Mr. Crawford's health was very much shattered by his attack at Washington City described in the foregoing letter. His speech was so injured that it cost him much effort at times to articulate

* The late Dr. Henry Jackson.

distinctly. In this respect, however, he continued to improve, and was once more a very interesting talker, though always laboring under some difficulty in the vocal organs.

A vacancy having occurred on the bench of the Northern circuit by the death of Judge Dooly, in May, 1827, Gov. Troup appointed Mr. Crawford to fill it until the meeting of the Legislature. His commission as judge bore date June 1, 1827. In November of that year, he was elected by the Legislature to serve out the term of Judge Dooly, which was until the session of 1828, at which time Judge Crawford was re-elected for a full term. He was also re-elected in 1831, being two complete terms, besides filling the vacancy.

During his time there was no court for the correction of errors in Georgia. There was a convention of the circuit judges authorized by law, annually, to consult on questions submitted by each other; but no judgment could be rendered by the convention, and its action was altogether advisory,—which often answered a good purpose, better than if no such arrangement had existed. During the seven years that he presided as Judge of the Superior Court, Judge Crawford acted as chairman of the convention. For the sake of securing uniformity, he issued the following notification, which appeared in the *Southern Recorder* of November 20, 1830:—

DECISIONS OF THE JUDGES.

Whereas, it is provided, among other things, in the 1st section of the 3d article of the Constitution, that the Superior Court “shall have power to correct errors in inferior jurisdictions by writ of certiorari, as well as errors in the Superior Courts, and to order new trials on proper and legal grounds: provided, that such new trials shall be determined, and such errors committed, in the Superior Court of the county in which such action originated.” And, by the 55th section of the Judiciary Act of 1799, it is also declared that the Superior Courts “shall have power to correct errors and grant new trials in any cause depending in any of the said Superior Courts, in such manner and under such rules and regulations as they may establish according to law and the usages and customs of courts.”

Now, for the more effectual execution of the foregoing powers conferred upon the Superior Court, and for producing uniformity of decision and constructions of law throughout the circuits of the State, it is resolved by the judges of said courts that they will convene semi-annually at Milledgeville, in the fall, according to the law requiring a convention of judges, and in the spring, at such time as the chairman may appoint, after the close of the present session of the Legislature; and that each judge will bring to the meeting a docket of such causes in which legal questions have arisen, where, in his opinion, error may have been committed in the decision thereof, or where the same may be of so doubtful a nature as to require the advice and aid of the other judges; and the said dockets shall be severally taken up by the meeting, and the cases duly considered by the judges, upon such written

argument as each party may choose to furnish, and, after ascertaining the opinion of a majority of the judges in each case, the judge to whose circuit the same may belong shall determine the same, in the county where said action originated, according to the advice and opinion received in the said meeting of the judges.

WM. H. CRAWFORD,
Chairman.

MILLEDGEVILLE, November 3, 1830.

This reference to the Judiciary Act of 1799 must have revived his early professional labors when, with Horatio Marbury, thirty years before, Judge Crawford compiled the first digest of the laws of Georgia,—a work executed with considerable skill in the arrangements and references. The Colonial Acts and Orders in Council were sifted and classified with the laws passed since, which made the compilation of the utmost value. It is even now occasionally resorted to, and some very unexpected statute or clause giving a proper interpretation is evoked, to the dismay of counsel and the failure of suitors.

While indulging in these reflections, the mind of the ex-Secretary of the Treasury, and now presiding chairman of the Convention of Judges, (the only substitute Georgia then had for a court of errors,) must have recalled his associate tutor in the Richmond Academy, the Hon. Chas. Tait, whose fortunes also became conspicuous. He held the office of Judge of the Western circuit from 1803 to 1809, and served as a Senator in Congress from 1809 to 1819, when President Monroe appointed him Judge of the United States District Court for Alabama, which caused him to remove to that State. He exercised the office six years, and resigned in 1825. Judge Tait was a native of Louisa county, Virginia, and removed to Georgia in early life. He died at his residence in Wilcox county, Alabama, on the 7th day of October, 1835, at the age of sixty-eight years, an upright citizen and a Christian. This brief allusion to him is deemed appropriate in the memoir of Judge Crawford, to connect their memories on the same page, testifying the mutual friendship which existed between them to the last.

Having been actively engaged in high trusts under the Federal Government for a series of years, and, of course, altogether withdrawn from the practice of the courts, Judge Crawford no doubt felt himself a little embarrassed by the judicial commission issued to him by Gov. Troup in 1827. But, as in every thing where duty called, he went boldly forward and gave the people of his circuit a wise and just administration. In the mean time he did not forget his old friend and rival Henry Clay, (then Secretary of State,) to whom he addressed the following letter:—

WOODLAWN, February 4, 1828.

MY DEAR SIR:—Enclosed is a letter for Mr. Poinsett, our minister in Mexico, which I will thank you to forward to Mr. Poinsett with as little delay as is consistent with your convenience. The object of the letter is to obtain from him some of the productions of Mexico which will probably succeed in the Southern and Western States. Perhaps an intimation from the Secretary of State on this subject may be productive of good effects.

I hope you know me too well to suppose that I have countenanced the charge of corruption which has been reiterated against you. The truth is, I approved of your vote for Mr. Adams when it was given, and should have voted as you did between Jackson and Adams. But candor compels me to say that I disapproved of your accepting an office from him. You ought, I think, to have foreseen that his administration could hardly fail to be unpopular. Those who knew his temper, disposition, and political opinions, entertained no doubt upon the subject. By accepting the office of Secretary of State from him you have indisputably connected your fortunes with his. And it appears to me that he is destined to fall as his father did, and you must fall with him. This State could not have been driven under the banners of Jackson by any other course of measures than that pursued by the administration toward it. Mr. Adams's general measures would not have ranged the State under Jackson's standard. Mr. Adams has professed to consider the Federal Government limited by the enumerated powers; yet he has recommended to Congress to erect lighthouses to the skies,—a recommendation utterly inconsistent with the idea of the Government being limited by the enumerated powers. This recommendation, it appears to me, can be supported by no other construction than that Congress can do any thing which is not expressly forbidden by the Constitution. The whole of his first message to Congress is replete with doctrines which I hold to be unconstitutional.

Present my respects to Mrs. Clay, and accept the same yourself.

WM. H. CRAWFORD.

MR. CLAY TO MR. CRAWFORD.*

WASHINGTON, February 18, 1828.

MY DEAR SIR:—I received your letter of the 4th instant, and I will take pleasure in having forwarded the letter which it enclosed to Mr. Poinsett, with the first public despatches. I should not hesitate to intimate to him my wish that he would comply with your request for the Mexican seeds, etc., if I were not persuaded that it would be altogether unnecessary for me to second any expression of your desire to him. Our country needs much the multiplication of the products of the earth, as well as of industry otherwise applied; and he deserves well of it who will introduce a new, or more successfully cultivate an old, article of agriculture.

I do, my dear sir, know you too well to suppose that you ever countenanced the charge of corruption against me. No man of sense and candor—at least, none that know me—ever could or did countenance it. Your frank admission that you would have voted as I did between Mr.

* The letters in this memoir that passed between Mr. Crawford and Mr. Clay are copied from the Private Correspondence of Henry Clay, edited by the late Dr. Colton.

Adams and General Jackson accords with the estimate I have always made of your intelligence, your independence, and your patriotism. Nor am I at all surprised or dissatisfied with the expression of your opinion that I erred in accepting the place which I now hold. When two courses present themselves in human affairs, and one only is pursued, experience develops the errors of the selection which has been made. Those which would have attended the adoption of the opposite course can only be a matter of speculation. Thus it is in the case referred to. We see, or think we see, distinctly the errors of the alternative which I embraced. But are we sure that, if I had chosen the other, I should not have been liable to greater hazard or more animadversion? The truth is (as I have often said) my condition was full of embarrassments, whatever way I might act.

My own judgment was rather opposed to my acceptance of the Department of State; but my friends and (let me add) two of your best friends (Mr. McLane, of Delaware, and Mr. Forsyth) urged me strongly not to decline it. It was represented by my friends that I would get no credit for the forbearance, but that, on the contrary, it would be said that that very forbearance was evidence of my having made a bargain, though unwilling to execute it. The office, they thought, was an office of the nation, not of the actual Presidential incumbent; and I was bound to look to the good of the country, and not to regard any personal objections which I had to him. "Can you, who have contributed," said they, "to the election of Mr. Adams, decline the Department of State? Will you not be charged, if you do, with having co-operated in the election of a man of whom you think so ill that you will not serve in one of the highest places in the public councils with him? Even if he should be wanting in any of the requisite qualifications for the station to which he has been elevated, you are the more bound for that very reason to accept, in order to endeavor to guard the country against any danger from his mal-administration. Your enemies have sought by previous denunciation to frighten you. They do not believe that you have acted otherwise than from motives of the purest patriotism; but they wish to alarm you and prevent you from entering the Department of State."

These and other similar arguments were pressed on me; and, after a week's deliberation, I yielded to their force. It is quite possible that I may have erred; and you may be right in predicting, as a consequence of my decision, that, being identified with Mr. Adams's administration, if he falls I shall fall. Should such be my fate, I shall submit to it, I hope, with the fortitude of a philosopher, if not with the resignation of a Christian. I shall at least have no cause of self-reproach; for I will undertake to affirm (and I appeal with confidence to Him who knows best the human heart for the truth of the affirmation) that, throughout my public life, in the many trying situations in which I have been placed, I have been guided exclusively by the consideration of the good of my country. You say that I ought to have foreseen that Mr. Adams's administration could hardly fail to be unpopular. I certainly did not foresee that the tree would be judged of otherwise than by its fruits. But the popularity of a particular course or proceeding (although I will not pretend that I have been altogether regardless of it) has not been the deciding motive with me of my public conduct. Is the measure right? Will it conduce to the general happiness and the elevation of the national character? These have been always my first and most anxious inquiries.

I had fears of Mr. Adams's temper and disposition, but I must say that they have not been realized; and I have found in him, since I have been associated with him in the Executive Government, as little to censure or condemn as I could have expected in any man. Truth compels me to say that I have heartily approved of the leading measures of his administration, not excepting those which relate to Georgia. I have not time, if I had ability and it were necessary, to vindicate them. But, my dear sir, I must invoke your frankness and justice to reconsider the only exceptionable measure which you have specified,—that of his recommendation of light-houses to the skies. It is not the metaphor, I presume, but the thing, (an observatory,) which has provoked your censure. And can you justly censure Mr. Adams for a recommendation which almost every previous President has made? If there be no power in the General Government to authorize the erection of an observatory within the limits of a State, is there none to sanction its location in this District? The message, I believe, was silent as to the place where it should be built.

But I will dwell no longer on public affairs. I should not have touched the topic but for your friendly allusion to it. I turn from it with pleasure to the recollection of our amicable relations. Whatever you may have thought, or may have been sought to be infused into your mind, my friendly feelings toward you have never ceased; and, although our correspondence has been interrupted four or five years, I have always entertained a lively solicitude for your welfare and availed myself of every opportunity to inquire particularly about your health and situation. I have heard with unaffected pleasure of the improvement of your health. That it may be perfectly re-established, and that you may be long spared for the benefit of your family and the good of your country, is the sincere wish of your faithful friend and obedient servant,
H. CLAY.

These two letters do equal credit to both gentlemen, and show the sincerity of their friendship. Besides, they are illustrative of the times to which they refer, and, for that purpose, are historical.

The merry criticism pronounced by Judge Crawford on that part of Mr. Adams's first message which relates to *light-houses to the skies* induced the author to search for it, and, if palpably unwarranted, to join in the condemnation rather than make defence. The author confesses that he never was an admirer of Mr. Adams as a politician or as a Chief-Magistrate; yet he will do him perfect justice in this matter, even at the expense of Judge Crawford's generally accurate views. The following is the recommendation assailed by Judge Crawford from President Adams's message of December 6, 1825:—

Connected with the establishment of an university, or separate from it, might be undertaken the erection of an astronomical observatory, with provision for the support of an astronomer, to be in constant attendance of observation upon the phenomena of the heavens, and for the periodical publication of his observations. It is with no feeling of pride as an American that the remark may be made that, in the comparatively small

territorial surface of Europe, there are existing upward of one hundred and thirty of these light-houses of the skies, while throughout the whole American hemisphere there is not one. If we reflect a moment upon the discoveries which, in the last four centuries, have been made in the physical constitution of the universe by the means of these buildings and of observers stationed in them, shall we doubt their usefulness to any nation? And while scarcely a year passes over our heads without bringing some new astronomical discovery to light, which we must fain receive at second-hand from Europe, are we not cutting ourselves off from the means of returning light for light, while we have neither observatory nor observer upon our half of the globe and the earth revolves in perpetual darkness to our unsearching eyes?

Whether the power be rightfully in Congress or not, the Constitution has been so understood since the time of Judge Crawford as to allow the erection of a National Observatory, which has done much for science, competing with similar establishments in England, France, Germany, and elsewhere in Europe, in the discovery of new planets and other phenomena of the heavenly bodies, thereby rendering the name of Lieutenant Maury*—already famous for his charts of the ocean—an honor to his country and his race, attracting the homage of kings and the wise men of the earth, who load him with their courtesies. The Observatory at Washington is nothing more nor less than the fulfilment of Mr. Adams's recommendation at the public expense, or, rather, to the public gain; for the laws of nature are made subservient to commerce, and commerce is the life of a nation.

While in the Senate of the United States, Judge Crawford maintained the constitutionality of a national bank; and the benefits of such an institution were fully demonstrated while he acted as Secretary of the Treasury. The following letter is submitted as his last on the subject:—

WOODLAWN, December 5, 1831.

DEAR SIR:—Your friendly letter on the subject of the Bank of the United States has been received by due course of mail. The opinion which I formed of the constitutionality and expediency of the Bank of the United States when I was a member of the Senate was the result of a careful examination of the Constitution of the United States, made without any preconceived opinions. That opinion is recorded in two speeches which I made in the Senate in the year 1811. Since that time I have had no occasion of reviewing the question. My opinion remains unaltered.

I was Secretary of the Treasury more than eight years; and, during that time, I had ample evidence of the great utility of the Bank of the United States in managing the fiscal concerns of the Union. I am per-

* Author of "The Physical Geography of the Sea,"—a work of profound learning and curious speculation: the ablest ever published on the subject.

sueded that no man, whatever his preconceived opinions may be [can study the subject] without being deeply impressed with the expediency of the Bank of the United States in conducting the finances of the Union. The provision in the Constitution which gives Congress the power to pass all laws which may be necessary and proper to carry into effect the enumerated powers gives Congress the right to pass the Bank Bill, unless a law most proper to carry into effect the power to collect and distribute revenue should be excluded by the provision.

The opponents of the constitutionality of the bank place great stress upon the word "necessary," contained in the grant of power, and insist that no law can be necessary but such that without which the power could not be carried into effect. Now, this construction appears to me to be indefensible. It does seem to me that the words "necessary and proper" cannot exclude a law that is most proper to carry the power into effect. Yet the unconstitutionality of the bank can be pronounced only upon that construction. It does appear to me that the framers of the Constitution never could have intended to exclude the passage of a law most proper to carry a power into effect because it might be carried imperfectly into effect by another law. My construction of the grant of power to pass all laws which may be necessary to carry the enumerated powers into effect, includes the power to pass all laws which are necessary and proper to carry the enumerated powers into effect in the most perfect and complete manner, and not in an incomplete and imperfect manner.

I have not seen a complete development of the President's plan of a bank. It is possible that by his plan the transmission of the revenue may be effected; but the safety of the public deposits cannot be effected by the President's plan. The advantage of this security to the public is incalculable. It ought not to be relinquished unless it can be satisfactorily proved that the Bank of the United States is unconstitutional.

This, I think, cannot be satisfactorily shown. My speeches are recorded, and can be republished if necessary. They contain the result of the best investigation I was able to give the subject. I am persuaded I could not improve upon it now if I had the means of investigating the subject, which I have not.

I am, sir, your friend, &c.,

WM. H. CRAWFORD.

CHARLES JARED INGERSOLL, Esq.

Nothing more remains to be added respecting the public life of Judge Crawford. He was a man of mark,—one of a century. The author heard a gentleman* of distinguished ability and position in another State once remark that the Hon. Nathaniel Macon was asked to state who of the great men of his acquaintance excelled in strength of mind and simplicity of expression. His reply was in substance that he had been upon familiar terms with Washington, Jefferson, Madison, and with the members of their Cabinets, besides other men high in the public favor; but for vigor

* The late Hon. William M. Murphy, of Alabama, whose father was a near neighbor of, and intimate with, Mr. Macon.

of intellect, and the power to present things forcibly to the mind, he was compelled to say that Mr. Crawford, of Georgia, was the greatest man he ever saw.

Mentally and physically he was of gigantic mould. The author never saw Judge Crawford until his health was in ruins. His noble frame was palsied and unsteady, trembling as he walked; yet he towered above all other men just as an old feudal castle looks by the side of common buildings. The author was once in his company at the house of a mutual friend* and witnessed his colloquial talent. He never saw him afterward.

A few passages from the work† of Gov. Gilmer respecting Mr. Crawford are selected:—

He had arrived at manhood before his education extended beyond the rudiments of learning. His quick apprehension and retentive memory enabled him to master the Latin and Greek languages in the shortest possible time, and to comprehend and enjoy with peculiar zest the beauties of the best ancient writers. He never lost his relish for Virgil, Horace, Cicero, Xenophon, and Homer. He continued to attend the examinations of academics and colleges to enjoy the pleasure of renewed acquaintance with his old favorites. And yet he was above the vanity of display, and entirely free from pedantry.

Again:—

I was a member of Congress whilst Mr. Crawford was Secretary of the Treasury, and had frequent opportunities of observing his singular capacity for business, his contempt for pretences, his excellent memory, and the sagacity which enabled him to bring into the service of his department the best assistants which could be had for the performance of what was to be done. Rascals received no countenance from him, and when he was deceived he told them so and dismissed them.

The improper use of lobelia by Mr. Crawford for an attack of erysipelas, through the advice of an unskilful physician, whilst he was temporarily absent from Washington City, brought on paralysis, from which he never entirely recovered. The electioneering for the Presidency was then going on very actively. He was never sensible of the injurious effects of the disease upon his mind, and refused to withdraw from the canvass.

Further:—

He made a better judge than seemed to be possible to those who were familiar with his paralyzed state. His clear and conscientious sense of right, and extraordinary recollection of what he had known in early life, kept him in the straight course.

* The late William H. Torrance, of Milledgeville, in November, 1833. Among the gentlemen present besides Judge Crawford, the author recollects the late Judge Strong, the late W. W. Gordon, Esq., and Col. Seaborn Jones.

† Georgians, p. 126, &c.

He was violently opposed to the nullification movement, considering it but an ebullition excited by Mr. Calhoun's overleaping ambition.

In another place :—

He retained his social temper and admirable conversational talents to the end of his life. He loved to tell anecdotes and told them well. He saw the knob and made others feel it. He was a capital laugher, and cared not a fig, when at his greatest elevation, for artificial dignity. He was as affectionate to his children as a father could be, loving them heartily and learning them to treat him familiarly and confidingly. To his children, friends, and neighbors, he was what they liked best and admired most.

The author regrets that he was unable to obtain as abundant materials as he desired, to do justice to the character of this remarkable man ; but he has gathered up a few fragments which he persuades himself will prove interesting to the public. While on his way to the courts of his circuit, Judge Crawford died in Elbert county, at the house of Mr. Valentine Meriwether, from a disease of the heart, on the 15th day of September, 1834, in the sixty-third year of his age.

While struggling to overcome the poverty of his youth, and just as he was launching into professional success, Mr. Crawford married Miss Gardine, with whom he lived in great happiness. She and several children survived him. The Rev. Nathaniel M. Crawford, late President of Mercer University, and William H. Crawford, Esq., of Lee county, are sons of the Hon. William H. Crawford,—worthy inheritors of an illustrious name.

NOTE TO THE MEMOIR.

The electoral votes given for President in 1824 were 261, of which Andrew Jackson received 99 ; John Quincy Adams, 84 ; William H. Crawford, 41 ; and Henry Clay, 37. Of the support given to Mr. Crawford, 5 electoral votes were from the State of New York ; 2 from Delaware ; 1 from Maryland ; 24 (all) from Virginia ; and 9 (all) from Georgia. In the House of Representatives Mr. Crawford received the votes of four States,—Delaware, Virginia, North Carolina, and Georgia.

The following is a statement of votes cast by the Electoral College of Georgia for President and Vice-President of the United States, from 1788 to 1856 inclusive :—

ELECTIONS	FOR PRESIDENT.	FOR VICE-PRESIDENT.	VOTES.
1788.	George Washington,	John Milton	2
		James Armstrong	1
		Edward Telfair	1
		Benjamin Lincoln	1— 5
1792.	George Washington,	George Clinton	4
1796.	Thomas Jefferson,	Aaron Burr.....	4
1800.	Thomas Jefferson,	Aaron Burr.....	4
1804.	Thomas Jefferson,	George Clinton.....	6
1808.	James Madison,	George Clinton	6
1812.	James Madison,	Elbridge Gerry.....	8
1816.	James Monroe,	Daniel D. Tompkins.....	8
1820.	James Monroe,	Daniel D. Tompkins.....	8
1824.	William H. Crawford,	Martin Van Buren.....	9
1828.	Andrew Jackson,	William Smith.....	7
		John C. Calhoun.....	2— 9
1832.	Andrew Jackson,	Martin Van Buren	11
1836.	Hugh L. White,	John Tyler.....	11
1840.	William H. Harrison,	John Tyler.....	11
1844.	James K. Polk,	George M. Dallas	11
1848.	Zachary Taylor,	Millard Fillmore.....	11
1852.	Franklin Pierce,	William R. King	10
1856.	James Buchanan,	John C. Breckinridge.....	10

This table contains the names of two gentlemen who became very bitter in their enmity toward each other,—Mr. Crawford and Mr. Calhoun. Their feud originated in the Presidential canvass of 1824, and was increased by the disclosures from Mr. Monroe's Cabinet which led to the quarrel between President Jackson and Vice-President Calhoun, and to the dissolution of the Cabinet in 1831. The details, or even an outline of this matter, to do all parties justice, would occupy more space than a memoir of this kind would authorize.

When the Presidential election of 1824–25, took place, General Lafayette was in the United States. He had been a warm personal friend of Mr. Crawford at Paris, and visited his sick-chamber at Washington, sympathizing in his affliction and anxious to see him in the place which the "Father of his country" dignified by his example. Gen. Lafayette and Mr. Crawford both died in 1834.

The following paragraph is from the pen of the Hon. J. F. H. Claiborne, formerly a Representative in Congress from Mississippi:—

Mr. Crawford was a man of colossal stature and of massive intellect. In astronomy or mathematics he would have been pre-eminent. No man in this or any other country had a more thorough and orthodox knowledge of political economy, and especially of finance. He spoke with great cogency and wielded a luminous pen. A Virginian by birth and education, he carried the political opinions of the renowned commonwealth into Georgia, and, until he was stricken down by paralysis on the threshold of the Presidency, she never wavered from the true Jeffersonian faith. Her subsequent career has been one of inconsistency and error, until lately she has taken her stand as the Empire State of Democracy,—great in her resources, great in her moral and physical development, great in the ability and reputation of her sons.

X.

WILLIAM CROCKER.

THIS work of biography is not confined to men of the greatest professional eminence, who attained office and honors as the reward of their talents. Many such are included. There is another class equally entitled to praise,—the laborious, faithful, and upright, who leave the impress of their virtues upon the community in which they acted their parts,—men who discharged all trusts with fidelity, and deported themselves with courtesy to the bench and to their professional brethren. It has rarely been permitted any individual who pursues the law to excel in all its branches. A man may be a good draftsman and conveyancer, and also a safe adviser on legal questions, yet not flippant of tongue, for want of self-confidence. He may investigate deeply and closely, preparing cases in the most complete manner, and yet be unable to argue them cogently before the court or jury. He may be a skilful equity pleader, a master of equity practice, and still deficient in the principles and proceedings at law, where the rules of interpretation and the logic of the judges are so variant in the English and American courts that confusion instead of certainty is often the result of patient investigation,—a tangled web which requires the vigor of a Mansfield to cut by the merits of each case as presented. Analogy is good, and precedent will answer when the reasoning applies,—no further. Though knotty questions are frequent and perplexing, yet their solution is often as much a plea-

sure to the mind as victory in a cause. This, however, by way of prelude.

His friends never claimed for him qualities at the bar other than sound judgment and unquestionable integrity, and to these WILLIAM CROCKER had perfect title. He was born in Virginia, September 1, 1777, and in early manhood came to Georgia, first settling in Wilkes county, where he taught school several years, and married Miss Mary Long, one of whose sisters was the wife of Elijah Clark, brother of Gov. Clark. He afterward read law under Judge Early, and, removing to Watkinsville, he was admitted to the bar in 1810, at a term of the Superior Court of Clark county, of which the Hon. Thomas P. Carnes was the presiding judge. The father of Mrs. Crocker was Evans Long, of Wilkes county, an officer in the American Revolution.

In the mean time Mr. Crocker had undertaken the mercantile business, which, in a year or two, proved unfortunate. He then resumed his former occupation as a teacher, at which he remained but a short time; for in November, 1810, he removed to Twiggs county, where his pecuniary troubles soon ended. He gradually obtained a good practice, much of it commercial paper, and in eight or ten years his march to prosperity was quite rapid. From 1811 to 1815 the old dockets show that Moses Fort, the brothers Stephen Willis Harris and Thomas W. Harris, Eli S. Shorter, Robert Rutherford, Bedney Franklin, Seaborn Jones, Thomas Fitch, Christopher B. Strong, Adam G. Saffold, — Donoho, and James S. Frierson, were regular practitioners in Twiggs Superior Court, and from 1815 to 1825, besides these, other lawyers attended, among whom were James Smith, Samuel Rockwell, Lucius Q. C. Lamar, Joel Crawford, — Hepburn, — Moffett, (the two latter killed in duels,) — Burch, John H. Howard, Albert G. Clopton, Charles J. McDonald, William H. Torrance, Alfred Iverson, Charles Fenton Mercer Betton, Samuel Lowther, Zachariah B. Hargrove, Thaddeus G. Holt, Robert Augustus Beall, Samuel Gainer, Robert L. Perryman, Robert A. Evans, &c., — the six latter being resident attorneys of Marion, the county-site. This period of fifteen years embraces the practice which was most profitable to Mr. Crocker.

The largest number of suits he ever brought to one term was in the spring of 1820, of Twiggs Superior Court. Of the five hundred placed on docket by all the members of the bar, two hundred were returned by Mr. Crocker, and the dockets show that he was concerned in the defence of about two hundred more, making four

hundred cases requiring his personal attention at the same term of the court. Besides his commissions for collecting, and the stipulated fees for defending, the tax-fee of four dollars in each case where he prevailed was quite an object,—of which the profession is now deprived.

In future the title of major will be applied, as he was known by that distinction when the author first became acquainted with Major Crocker, in November, 1824. He had formerly belonged to the staff of Major-General Ezekiel Wimberly as judge-advocate, with the privilege of wearing a rich uniform equal to that of his chief, except the two stars on the golden epaulettes of the latter. This office was next held by the eldest son* of Major Crocker, who removing out of the division, it was conferred upon the author by the same noble-hearted patron. This *privity of rank* will excuse the introduction of matter here which is connected with the *sword* worn by the judge-advocate, and which *veritable sword* is now to be followed a while in a curious direction.

In March, 1825, while General Lafayette was making his triumphal tour through the Southern States, a company was formed, called the "Lafayette Volunteers," of which John G. Slappey was elected captain, Theophilus M. Chamberlain first, Hamilton R. Dupree second, and Francis W. Jobson third lieutenant, and the author was appointed orderly-sergeant. The other *subordinates* he does not recollect, as the muster-roll is not at hand to refresh his memory. This *corps* adopted a cheap uniform, and, with drum and fife, and a beautifully-painted white silk flag, presented by the ladies, it took up the line of march for Milledgeville, having as a much-venerated charge three Revolutionary soldiers, Fathers William Duffel, John Shine, and Charles Raley, in a conveyance provided for the occasion. When the *troops* reached Marion from Taversville they halted an hour or two, in which time the orderly-sergeant availed himself of the courtesy of a friend† to obtain a sword to render him more worthy of respect in his official character. That sword belonged to Major William Crocker, and was soon destined to figure in a scene fully as romantic, *in a military point of view*, as any that this poor world ever afforded. Some particulars touching the reception of Gen. Lafayette, the public dinner on Capitol Square, and a few other incidents, will be first given.

* Elijah E. Crocker, Esq.

† John L. Jones, Esq., now of the city of Macon.

The Lafayette Volunteers had reached a hill near Fishing Creek, within sight of Milledgeville, when the roar of cannon announced the arrival of Gen. Lafayette. An express was sent to tender our command to the marshal in the ceremonies of reception. The reply was that the great reception and review would be the next day, at 10 o'clock, when our presence would be very acceptable. This was in the afternoon. Wishing to show ourselves, and to get a glimpse of the "Nation's Guest," we marched into the town and halted opposite the Government House, where General Lafayette was quartered. Our captain went in and was introduced by Gov. Troup; then the captain introduced the three Revolutionary veterans to Gen. Lafayette, who, on seeing Father Duffel, cordially embraced him, saying, "I remember you,—I remember you well. You were one of my body-guard, and helped carry me from the field when I was wounded at Brandywine. I am happy to see you,—very glad to see you," or words to that effect. (Father Duffel had previously told us of this service he rendered the "marquis," as he called him.) The grateful meeting over, the company returned to camp, first conducting our aged friends to the boarding-house of Captain Solomon Betton, where they and the officers took lodging.

Early the next morning all was life and motion. Before the appointed hour, some eight or ten military companies, from Wilkinson, Hancock, Jones, and the adjoining counties, were to be seen marching to the review-ground. The Lafayette Volunteers, from Twiggs, had paraded two or three principal streets with music and banner, when the intendant, Peter F. Jaillett, Esq., came out of his house and saluted our flag. We halted and returned the proper civilities. He expressed his admiration of our beautiful flag and bade us welcome to the city.

In a short time the marshals of the day, John S. Thomas, Revaureus L. Buchanan, and one or two others, mounted on elegant chargers, with sword and sash and rosettes gracing their persons, and with baton in hand, dashing in all directions, made known the order of the day. The several companies took the positions assigned them, all under the chief command of Major-General Daniel Newnan, who, with his military boots and rich uniform, made quite a splendid appearance. Captain Scott, of the Baldwin Cavalry, was the next figure that attracted special notice.

The line being formed two deep, stretching several hundred yards, the cannon at the arsenal began to thunder, when a fine barouche, drawn by four horses, was seen advancing up the line in

front, with Governor Troup, and Gen. Lafayette seated on his right. The major-general and other officers entitled to the privilege presented swords in salutation of the "Nation's Guest." The author has a very distinct recollection of the physiognomy, the beaming smile, of Gen. Lafayette, as he sat in the barouche with his hat off, bowing as he passed the different companies and as the standards waved a salute. That was a proud demonstration of gratitude, and the illustrious man to whom it was given felt it, as his glistening eye and rapt countenance clearly revealed. What other movements, if any, took place, the author cannot, after a lapse of more than thirty years, undertake to say. He believes nothing else was done after the review closed until dinner.

Two tables, about one hundred yards long each, with cross-tables of fifty feet at the ends, were covered with barbecue, roast-beef, bread, and other edibles for the military. At the upper end, in the centre, Gen. Lafayette was placed, with Gov. Troup on one side, and his aid, Col. Scaborn Jones, (the master of ceremonies,) on the other side of the "Nation's Guest." Gov. Troup's staff, including Col. Henry G. Lamar, Col. Samuel A. Bailey, Col. Yelverton P. King, Col. John W. A. Sanford, Col. Samuel T. Bailey, and perhaps others, were arranged at the same end of the table, all taking part in the administration of order, in the observance of proper etiquette, and some of them in reading the regular toasts prepared by the committee of arrangements. The band of music was a few steps in the oblong square formed by the tables. It played whenever Col. Jones waved his hand as a signal. The author was some thirty paces from Gen. Lafayette, but within good seeing and hearing distance. George Washington Lafayette, the son of the general, was pointed out. His bald head and the wig of his father gave the latter the advantage in youthful appearance. Col. Lavou-sier, the private secretary of the general, who was also present, the author could not identify. There was quite an array of public characters, of men known in the history of Georgia,—among them Gen. John Clark, formerly Governor and again a candidate.

The appetite being satisfied with strong meat, next came the wine, bottles of which, with wineglasses, were distributed on the tables so that every one could have a share. Then proclamation was made by Col. Jones:—"Gentlemen, fill your glasses for a toast from Gen. Lafayette." The obedience was prompt. Not a growl was heard, not a frown was seen, at the command: like good soldiers, every man did his duty. The "Apostle of Liberty," the companion and bosom-friend of Washington, rose to his feet, and,

in broken English which all heard with delight, he gave, "*The Georgia Volunteers*: the worthy sons of my Revolutionary brethren." Cheer after cheer resounded, the music struck "Hail to the Chief," the cannon uttered its loud rejoicing, and soon all was again quiet. "Prepare for a toast from Gov. Troup," was the next order. With solemn and distinct enunciation, that Julius Cæsar of a chief-magistrate gave forth, "A union of all hearts to honor the Nation's Guest,—a union of all heads for our country's good." Again the air was rent with cheers, the band executed a national march, and the cannon fairly jarred the square. The next order was to prepare for a toast from Gen. Clark. Until then the author had never seen this celebrated leader of a party. A tall, bony man, with an open, honest face, rose at table, and, with a shrill voice, gave "Count Pulaski: the gallant *Frenchman* who fell at Savannah." We all emptied our glasses in honor of Gen. Clark and his *French* count as though history had not been contradicted by the sentiment. Gen. Lafayette must have esteemed it a special compliment to himself for such renown to be transferred to his own country in presence of such a multitude of witnesses. Whether the mistake was accidental or otherwise, it did not detract in the smallest degree from the valor or integrity of Gen. Clark. At most it only signified that his youth was spent in fighting the battles of his country instead of being enervated within the walls of a college.

While the exercises at table were going on merrily, two occurrences near by created considerable excitement. One was the sudden swooning of Major James Smith, of Clinton, on discovering that he had been robbed of his pocket-book, containing between four and five thousand dollars in money: the other was more dreadful, because human life was the sacrifice. It appears that the man who loaded the cannon had got his shirt-sleeve on fire without knowing it, and, when he put his hand into the large box among the cartridges for another round, fire was communicated, and the whole lump—not less than twenty or thirty pounds of powder—instantly exploded, blowing him several feet up into the air and severely wounding two others connected with the cannon. There was a general rush of people to the spot. Never can the author forget the appearance of the poor man most injured. His face, breast, and arms were burnt into a black cinder. His agony was inexpressible. In a day or two he died. The others recovered after much suffering. This melancholy affair created a painful sensation in the crowd, and perhaps hastened the close of the festivities.

It should be remembered that before the military companies retired from the square they were formed into line, when Gen. Lafayette, leaning on the arm of Gov. Troup, walked along (a little lame) and shook hands with every man,—officer and private,—Col. Jones officiating in the introduction. The author was mentioned to him as Sergeant M——, and the response was, “Sergeant M——, I am very glad to see you.” This joy was expressed to all, and was more than reciprocated by all the volunteers. The hand of Gen. Lafayette had been grasped: that was glory enough then. It is still pleasant to remember; but thirty years of hardship in the camp of life have rather tended to prove, to the author at least, that glory is not communicated in so easy and simple a manner.

The main incident is now approaching. A splendid military ball was given in the Capitol that night, in honor of Gen. Lafayette. The author attended, duly equipped with *sword*: it looked official. The Representative and Senate Chambers were stripped of all furniture and formed into dancing-saloons. The company was indeed gorgeous. Epaulettes, swords, sashes, and other war-trappings looked *terribly* beautiful. And then the matchless array of ladies, skimming in the dance like fairies,—many of them. There was a full band of music in the gallery of each hall. Every thing had a classic air, particularly the generals and *sergeants*,—the latter claiming equality, at least for a few hours, in the republic of amusement formed by a junction of France and the United States for a limited period. That republic of social enjoyment was plain enough to interest great minds, and yet so magnificent that the feeble were astonished,—not excepting the orderly-sergeant of the Lafayette Volunteers. Now to the *finale*.

Capt. Slappey, accosting the orderly in the ball-room, despatched him to head-quarters with a polite request to the first lieutenant to send the flag of the company, to be displayed as the Committee of Arrangements might direct, they having expressed a desire to have it for the occasion. But, before the plot thickens beyond explanation, let it be here said that the flag was of pure white silk, very ample in its dimensions, with an eagle tastefully painted on one side, with the arrows and olive-branch in his talons, like other patriotic eagles, and a scroll in his beak inscribed “The Nation’s Guest,” and below this bird of Jove, “Welcome Lafayette.” On the reverse side was a pile of cannon-balls, guarded by a large rattlesnake in coil, with uplifted head, flaming eyes, and darting tongue. The picture looked dangerous indeed. But, to relieve the

mind of the beholder, the word "Liberty" appeared in blazing characters above the snake. With such protection, all knew that "liberty" was safe. And then, to make it doubly secure, the name of the company was painted below the balls and the serpent:—"Lafayette Volunteers, Twiggs county, 1825." Such was the flag; and now the following:—

The sergeant, with a touch of his hat, delivered the captain's message to the lieutenant. To account for the rigid punctilio of the latter, be it known that he was an Englishman, formerly purser in the British navy, and had great fondness for rank and ceremony. Instead of ordering Ensign Walton to bear the flag, or intrusting it to the *supposed* fidelity of the sergeant, to be conveyed to the captain, the lieutenant declared that, as he was second in command, and the flag an emblem of honor which especially devolved on him, he would carry it in person to the ball-room. He took the standard in his hands, neatly folded the silk and secured it by the cords pendent, and then rushed out with the sergeant as an armed escort. Arriving at the door, he attempted to pass in, when he was stopped by the doorkeeper and his ticket demanded. "Ticket, sir? No ticket, sir, on public duty," shouted the lieutenant, in a voice of command. The doorkeeper mildly replied, "I have orders to admit no person whatever without a ticket. From the major-general down, all have to present tickets to be admitted." "Well, sir, we'll see about that," sternly rejoined the lieutenant. Then turning to the sergeant, he said, sharply, "Do you allow this, Sergeant M——? Where is your sword? what do you wear it for but to protect the honor of your flag? Cut down this insolent doorkeeper at once and proceed to your captain. Never let it be said that your flag was insulted and you did not protect it at all hazards." The poor sergeant protested, "I respect your authority, Lieutenant Chamberlain, and know that it is my duty to obey orders; but you should reflect that the doorkeeper also has orders which it would be wrong in us to force him to violate. We should rather commend than blame him for his firmness. I must decline using my sword against him." The retort was, "No argument, sir, no argument: there is principle in this matter above your conception, and I will maintain it to the last." Leaving the lieutenant with the flag at the door, the sergeant passed in and stated the difficulty to the captain, who sought Col. Triplett, one of the managers. They came to the door, and, after soothing explanations were made, the flag was committed to the custody of the captain, and by him transferred to the managers.

In the mean time the lieutenant declared his intention of watching that flag all night, if necessary, until it was restored to his hands; and, to enable him to do so, the sergeant procured a ticket for his superior, who had placed ten dollars in his hand for the purpose,—that being the price of each ticket to the ball-room. When it was presented by the furious lieutenant, the doorkeeper, with a look of triumph and respect, said, “Now, sir, you may pass in.” The lieutenant immediately hunted up his flag, and saw it streaming proudly from the gallery of the Representative-Chamber, a hundred eyes gazing with admiration on the rich material and the expressive devices upon it,—even Gen. Lafayette smiling as he looked upon it, saying handsome words to Captain Slappey. The lieutenant soon made his way to the gallery, where he sat hour after hour at the end of the flag-staff, guarding his treasure. He did not appear at the supper-table, nor was he seen in the dance or among the spectators below. The sergeant left the scene at twelve o’clock, his parting glance resting on his gallant superior whose peremptory order he had ventured to disobey at the door. An hour before day the lieutenant returned to Captain Betton’s with the flag safe and sound, muttering about “Stupid set,” “We’ll see who is right,” and other short phrases which the half-awake sleepers did not comprehend. No court-martial arraigned the sergeant for disobedience of orders. He took the *responsibility* for once,—whether from want of nerve to execute the command, or from good sense to evade it, does not become the author to say. The lieutenant died within two years afterward, a rigid disciplinarian,—intelligent, fearless, but unhappy, to the last. The adventure has been poorly related, and must take its chances for favor or contempt.

Before the sword which has led to all this digression is returned to its rightful owner, a few words more of the expedition will be pardoned.

While at Captain Betton’s, enjoying his kind attentions and those of his refined lady, (a sister of General Charles F. Mercer, of Virginia,) the author saw Col. H. G. Lamar ride up in the uniform of an aide-de-camp, and heard him request Captain Betton to make out his bill for the board of the Revolutionary soldiers whom he had entertained and send it to the Governor for payment by the State. The good old veterans were deeply sensible of this liberality; and their trip to Milledgeville, with so many pleasant things to remember, was among the few green spots in their pilgrimage to the tomb.

On marching homeward, the company was supplied with refresh-

ments as they passed Dr. Williamson's splendid mansion (formerly Robert Rutherford's) within a mile or two of Milledgeville; and again, a few miles farther, when opposite Gen. Clark's residence, another favor of the same kind was experienced: Gen. Clark himself came to the road and conversed familiarly with the officers and men, (about eighty in all,) most of whom received a personal introduction to him. This was the last time the author saw Governor John Clark,—a man so conspicuous in the political history of Georgia.

Nothing special occurred until the company reached Meriwether's store, within four miles of Marion. There they saw a large collection of persons, many of whom were intoxicated and disposed to quarrel. Robert L. Perryman, the lawyer, had just been seriously stabbed in the abdomen, and was lying in a room near the store. While Ensign Walton was in the act of mounting his horse, with the standard of colors in his hand, the horse took fright; and, holding on to the standard, the ensign became entangled in it, was thrown, and had his under lip and chin severely gashed. Dr. Slappey, (our captain,) an excellent surgeon, sewed up the wound, put on straps of adhesive plaster, and we continued our march, the ensign along with us. As we passed the house of Archibald McIntyre, Esq., (the old clerk of the Superior Court,) a signal-gun was fired from his piazza, and soon he was in our midst, talking in his lively Scotch style, praising our soldierly appearance, and treating us to very substantial refreshments. A mile farther, the sword was returned to Major Crocker, with many thanks. And, if the incidents grouped in this narrative touching the Lafayette campaign possess any interest, that *sword* is entitled to the praise, whilst the *orderly-sergeant* bids the reader farewell.

There were two resident members of the bar, at one time partners in the practice, with whom Major Crocker came frequently in contact,—Col. Moses Fort and Robert A. Evans, Esq. Col. Fort had been many years elected to the Legislature from Twiggs county,—was a man of extensive reading, of strong, discriminating mind, and quite an agreeable speaker. He was by no means fond of office-labor, and much preferred fishing and hunting to drudgery of any kind. He also had a decided propensity to his bottle; and that was the only objection to him. He was a kind-hearted man and always ready to aid persons in distress. Still, owing to his habits of intemperance, he wielded no great influence in his profession. In 1825, he was again elected to the Legislature but, ascertaining that the Clark party, to which he belonged, had a majority

on joint-ballot, he resigned his seat within twenty days from the election, so as to become a candidate, and was elected Judge of the Superior Court of the Southern circuit. His old habits still clung to him, and he was often seen intoxicated on the bench. For some decisions he made in the great case of A. B. Ridley and wife against Joseph Blackshear, executor of Elijah Blackshear, deceased, in Laurens, Col. Blackshear preferred articles of impeachment against him at the session of the Legislature in 1827. A committee heard evidence, made a report, and recommended his removal from office by an address to the Governor. A majority of two-thirds in the House of Representatives sustained the report; but, the Constitution also requiring two-thirds in the Senate, the measure was lost in that body, although having an actual majority.

Judge Fort served out his term of office in a somewhat improved manner after his escape from the Legislature. He was highly gifted, had nice sensibilities, and threw a flood of light upon any subject of conversation. In the language of a gentleman* well qualified to form an opinion, "Judge Fort in his best days was not even the shadow of what he might have been." Several years after his judicial term expired, he removed to Midway, where he died. He was a brother of Dr. Owen C. Fort, who died in 1829, and also of Dr. Tomlinson Fort, of Milledgeville. Their father, Arthur Fort, was a signer of the Constitution of Georgia in 1798.

The other individual, Robert Addis Evans, was a rare curiosity. He was a native of South Carolina. His education was fair, and his mind of a subtle, penetrating order, capable of mastering the first principles of any science; and yet he applied himself to nothing useful or permanent. He read Tom Jones and the Bible with the same desire of truth, played the fiddle, and then talked profoundly about the decrees of fate, abused all mankind one day as a worthless pack, and the next day would give his last coat to a beggar. His mental and moral organization varied from that of other men. For a few hours he would take up a treatise on mental philosophy, and discourse on the wonders of the human intellect, upon the goodness of the Almighty in adapting it to all conditions and pursuits. Again he would declare that all matter came by chance: there was no Supreme Agent to form or control it; that man would perish as the brute, and it was ridiculous to say that he had a soul, a principle or substance within him that could never die; an existence after death was nothing less than self-contradiction, and

* Dr. Ira E. Dupree.

was fit only to soothe weak people. At another time, man was a noble being, full of the divine nature, immortal, and bound by every obligation to love and reverence his Creator. Life was a state of trial to develop faith, to inspire virtue by constant temptations and the peace self-conquest afforded.

And in the social relations he was equally capricious,—to-day unfolding a happy scheme for the future of a young friend, advising kindly, throwing business in his way, guarding him with a parent's solicitude, and pledging eternal fidelity; the next week all was changed: bitterness and disgust filled his soul and gushed from his lips whenever that young friend was mentioned: he was a simpleton, had not a ray of intellect, was wanting in courage, and would soon be given up by his relations in despair.

Then, as to the law, it was the great machine that wove happiness for mankind, adjusting their rights and securing equality and repose to all classes. It was reason personified,—a system of great and just principles, abstruse enough to tax the loftiest minds and yet so simple that all might see and admire its rules. At the next interview, the whole civil administration ought to be cast into the sea. It was a miserable cheat: there was no uniformity, no truth, in it. The crude ideas of judges who had neither sense nor consistency formed the substratum of the common law; and the statutes were known to be the work of the most consummately stupid portion of mankind. Look at A, B, and C, in your Legislature, who cannot tell whether Julius Cæsar lived before or after the Flood, or whether Sir Isaac Newton did not discover the planets from Noah's ark, or whether Columbus was not killed in a duel by Aaron Burr. Blackstone laughs at this idea of men passing new laws who do not understand the provisions of the old. A few self-conceited demagogues and upstarts in the legal profession prepare bills, and then, *by the aid of these legislators*, who do not know the difference between civil and criminal process, vote them into statutes binding on the people at large! Such nonsense is insufferable!

As the mood would strike him, the Legislature and the courts of Georgia were the most enlightened in the Union. Look at our judiciary system: it was a master-piece of wisdom and justice. Every thing started right, and there has been regular improvement since. Thus would he discourse, extolling a measure or an individual one day, and the next day he would demolish both by the caustic inflictions of his tongue. No one understood his mind, his heart, or his affairs. He was a strange compound, and died, as he lived, in perfect mystery.

Nor should a third gentleman be forgotten, who died much earlier. Soon after the battle of New Orleans, such was his admiration of the hero, that Robert L. Perryman wrote and published, in pamphlet form, "The Life and Public Services of Major-General Andrew Jackson." The whole was summed up by a declaration of the fact, which other historians have omitted to notice, that at the battle of the 8th of January, 1815, "the British took to their heels and sneaked off like egg-sucking curs!"

These were competitors of Major Crocker at the bar of Marion. A few besides might be mentioned, some now dead, and others living, were it necessary for any special reason. One* of them has a place in this work who always held Major Crocker in the highest esteem.

The property of Major Crocker had increased to a large estate, which enabled him to give liberally to his children as they settled in life. He was a prudent manager, even to the most rigid economy, yet provided a good education for his sons and daughters, and whatever was necessary to support their position in society. All of them formed advantageous matrimonial connections. One of his daughters, Lucy, married Samuel Williams, late of Stewart county; another, Mary, married Allen Belsher, after whose death she intermarried with Tomlinson Fort, late of Stewart; and the youngest, Frances, married James Solomon, and several years after his death she became the wife of Hugh L. Dennard, of Houston county. The daughters are still living, all of whom have grandchildren. The sons of Major Crocker are Elijah Evans Crocker, who resides near the old homestead, Dr. William N. L. Crocker, of Macon county, formerly a Senator in the Legislature, and Peter Early Crocker, yet of Twiggs county.

In person, Major Crocker was of the ordinary size, well formed, had blue eyes, fresh complexion, and a round, well-developed forehead. He was very plain in his manners, which resembled those of a farmer, and was quite a favorite among the people, who honored him the more for his quiet, social deportment. He died at his residence near Marion, Twiggs county, June 22, 1835, at the age of fifty-eight years.

* R. A. Beall.

XI.

WILLIAM C. DAWSON.

It is often the case that a man possesses a high character and great influence in his own State without being known elsewhere,—without any reputation which might be called national. Many such men are to be found, equal in merit to the more fortunate,—if to be known in a wider sphere in the annals of the Government be indeed superior fortune. The subject of this memoir filled a large space in the public eye at home and abroad; and it is the design of the author to produce testimony of the fact, as well as to exhibit the individual qualities of WILLIAM C. DAWSON, whose memory is dear to the people of Georgia.

An extract of a letter received from a gentleman* well known and appreciated for his public services and private worth will be first introduced:—

You ask me for some of the leading incidents in the life and character of the lamented Judge Dawson; and you are right in supposing that I was intimately acquainted with him and could impart the desired information. I knew him well: we were born in the same county, and in the same neighborhood. We received the first rudiments of our education at the same school. He was my playmate in boyhood, my companion in manhood, and my co-partner in the practice of the law for many years. Judge Dawson was born January 4, 1798, in Greene county, and died May 5, 1856, in the fifty-ninth year of his age.

He was graduated at Franklin College about the year 1816. Soon after leaving college, he entered the law-office of Judge Thomas W. Cobb, with whom he commenced the study of the law. He afterward attended the Law-School at Litchfield, Connecticut, and there completed his law studies,—was admitted to the bar and settled in Greensboro' about the year 1818. Very soon he won for himself a high reputation as an advocate. In fact, he was considered one of the best jury-lawyers at the Ocmulgee bar. He possessed the rare faculty of bringing his auditors into the ideal presence of every scene.

He was Clerk of the House of Representatives of Georgia for about twelve years, and this post he held during a time of great party excitement. Often during that period there was a majority against him: yet he was elected, such was his personal popularity. He was several times elected a Senator and Representative from Greene county in the State

* Col. Yelverton P. King, long a member of the Legislature of Georgia, and late Chargé d'Affaires to Central America.

Legislature, and subsequently a Representative and Senator in Congress. At the time of his death he was Grand Master of the Grand Lodge of Georgia.

Thus, you perceive, he was often honored; and, I will add, he was *always faithful*. As a *friend*, they to whom he was attached will bear testimony that no human being ever more faithfully cherished and performed the duties of that relation; and those who had a *right* to regard him as such knew, *absent* or *present*, that he never was found wanting in readiness, fidelity, and zeal. The eloquent tribute inscribed by the poet on the monument of his friend can most truly be applied to Judge Dawson:—

“Ennobled by himself, by all approved,
Praised, wept, and honor'd by the friends he loved.”

His manners were easy and prepossessing, his conversation various and gay. He was the life and soul of every company; and you truly said that he “never permitted any one to be dejected in his presence.” To sum up all, Judge Dawson possessed all those attributes which constitute a generous, magnanimous, and high-minded gentleman.

An event in the life of Mr. Dawson which greatly contributed to his success and felicity was his intermarriage with Miss Henrietta M. Wingfield, daughter of Dr. Thomas Wingfield. This lady possessed qualities of mind and heart, united with rare cultivation and refinement, which made her society a constant charm and gave home its sweetest attractions.

To those old enough to remember the contest between Col. George M. Troup and Gen. John Clark, sustained by personal competition for the State Executive,—first by the defeat of Col. Troup in 1821, then his election by the Legislature in 1823, and finally the seal of favor he received at the ballot-box in 1825, when the people of Georgia for the first time were authorized to vote for Governor,—it is unnecessary to state that Mr. Dawson was an active supporter of Col. Troup and his measures. The Indian treaty of 1825, which arrayed Gov. Troup and President Adams on opposite sides, was triumphantly maintained by the wisdom and firmness of Gov. Troup, in the face of a high military commission of which Major-General Edmund Pendleton Gaines was the head. A few passages from the correspondence on that occasion appear elsewhere in this work.* This controversy gave rise to the State-Rights party of Georgia, which received more or less organization in 1833, as may be seen in another memoir.† On several issues the party lines were established. Although there was some diversity of action relative to the writs of error granted by the Supreme

* Memoir of William H. Torrance.

† Memoir of Robert Augustus Beall.

Court of the United States to control the criminal jurisdiction of Georgia within the territory occupied by the Cherokees, both parties agreed in the most essential thing,—to resist by force, if necessary; and the only dispute was, or appeared to be, as to the phraseology which should be employed.

The facts were briefly these. James Graves, a Cherokee Indian, had been convicted of murder and sentence of death passed on him in Murray Superior Court, in 1834. The offence was committed in the Creek nation, which claimed to be an independent power. Counsel applied to the Supreme Court of the United States, and obtained a mandate from one of the judges to carry up the record and to stay execution of the sentence,—serving the Governor and Attorney-General of the State with notice of such proceedings. The Executive laid the whole subject before the Legislature, which was referred to the Committee on the State of the Republic, of which Mr. Dawson was a member. As a substitute to the report of a majority of the committee, Mr. Dawson offered the Virginia and Kentucky Resolutions of 1798 in his minority report,—which was rejected by a vote of 26 to 51. His speech on the occasion was reported in the *Times and State-Rights Advocate*, a paper then published at Milledgeville, and edited by a gentleman* who has since acquired considerable reputation as a jurist as well as for profound research in almost every branch of human knowledge. From the *Times* of November 18, 1834, the following is extracted:—

The report and resolutions of the majority of the committee on the state of the Republic, and the counter-report of the minority, being the special order of the day, and both having been read,—

Mr. Dawson moved that the Senate adopt the report of the minority in substitution of that presented by the majority.

Mr. Wofford expressed a wish that before a vote was taken the gentleman would favor the Senate with his reasons in favor of the substitute.

Mr. Dawson then rose and addressed the Senate as follows:—

MR. PRESIDENT:—In compliance with the appeal made to me by the honorable Senator from Habersham, I will attempt, as briefly as the subject will admit, to state the reasons why I prefer the substitute to the original report and resolutions. It is, sir, undeniable that the substitute offered by myself in behalf of, and under the direction of, the minority of the committee, contains principles of more importance to this country, and involving more the welfare and happiness of its people, than any other subject which could arise. They are the principles which distinguish the two great parties now prevailing in the State of Georgia, as well as throughout the whole of this great Confederacy. Since I arrived at years of discretion, and became acquainted with political characters and princi-

* William S. Rockwell, Esq.

ples, it is known to all my personal and political friends that I have been an humble but undeviating advocate of the Jeffersonian doctrine of State Rights and State Remedies, and I can conscientiously aver that no one act of my life has been in violation of them. I have said that the question is one of the most deep and vital importance. It is one involving the nature and character of our Government and our Constitution, and which becomes us all, however widely we may differ, to treat with candor and solemnity.

To come at once, Mr. President, to the reasons why I prefer the report submitted by the minority to that of the majority of the committee. In the first place, I would observe that the principles laid down in the former are those that were adopted by the Republican party at the formation of the Constitution, and, as I hope I shall be able to prove, the principles advocated by those distinguished and patriotic statesmen and philosophers, Jefferson and Madison. They are to be found in the celebrated Virginia and Kentucky Resolutions of 1798 and 1799, and they were the same that elevated Mr. Jefferson to the Presidential chair in 1801. From the foundation of this Government, down to the present day, two great parties have agitated the country. I shall not now stop to inquire if there be any points of similarity or shades of difference between the parties now in conflict and those of 1798; but a brief review of the questions then at issue will the better enable us to form a correct conclusion. No sooner was the Government of the United States constituted, than two great parties immediately sprung up,—one in favor of a strong National or General Government, whose efforts, aided by inference and construction of the Constitution, tended to consolidation and monarchy. These were denominated the Federal party. Those who went for the maintenance of the Government by a strict construction of that document were said to belong to the Republican, or people's party. The history of our Government sufficiently proves this. Until the year 1798, the former party had the ascendancy,—when those apostles of liberty, Mr. Jefferson and Mr. Madison, stood forth as the friends of strict construction, resolved to secure the limitations of the Constitution and preserve the rights of the States. When those efforts were made, what was the condition of the country? I see before me men of venerable age, who well recollect our condition at that time, and who can testify to the truth of the picture. We had just gained our independence, after a struggle of severe hardship and long duration: we were then in a state of peace and tranquillity; and the people, requiring ease and repose, as an inevitable consequence sunk, for a time, into supineness and negligence. Soon, however, oppression was seen to march with rapid strides. The Federal party began to usurp powers unheard of before, and the liberties of the people were again at stake. The people then rallied, and against whom? Why, sir, against the Federal party. And for what purpose, Mr. President? To restore the country to its republican simplicity, and to secure on a more solid basis those sovereign rights of the States which had been threatened with ruin. In order to restore the Government to its former simplicity, and give to the Republican party that ascendancy which was necessary, Mr. Jefferson became the leader of the Democratic party. Then it was that the controversy assumed a tangible shape; for, though its advances had previously been rapid and powerful, they had been cautious and almost silent. This was in the year 1798. Is not this the plain historical truth? I fearlessly call upon those who advocate a different doctrine to say if I have

herein erred. Well, sir, the principles then contended for by those two great men have been recognised as the principles of the Republican party of these United States, and it will be seen that the substitute is not only in strict accordance with the spirit of the Virginia and Kentucky Resolutions, but the first five of them are almost exact transcripts. Is there an honorable Senator of this House who will attempt to controvert these celebrated resolutions? None would be so hardy. Well, then, whence can arise the opposition to the substitute offered by the minority of the committee, agreeing as *it* does, both in spirit and in language, with these resolutions? If those who have avowed themselves advocates of the Jeffersonian doctrines are consistent, then do I look for their support of the resolutions proposed by myself.

Then, sir, what is the sum and substance of these resolutions? It is that this General Government is a government of delegated powers, and entitled to no other powers than those delegated to it, and that the States have certain rights. Here arises the grand question at issue:—What are those rights, and how are they to be exercised? These resolutions declare their right to interpose and protect the people from the encroachment of any undelegated power and to pronounce any such attempts unconstitutional, null, and void; that the people of a State, or, in other words, the State herself, shall be the judge of the constitutionality of a law and whether it be usurpation or not; and that the States have the right to judge of the mode and the measure of redress. I call upon gentlemen who differ from me—and dare them to the investigation of the resolutions of 1798 and 1799—to say whether these sentiments are not in strict accordance with those of Jefferson and Madison, and whether they do not embody the Republican doctrines of 1801. Are they not those upon which the two great parties of Federal and State-Rights contend that they are still divided? If I am incorrect in what I have stated, there is ample testimony at hand to detect my errors; but, sir, however feeble I may be as an advocate, I claim the merit at least of keeping within the bounds of historical truth. The issue is now as it was then; and, though shades of verbal difference may seem to exist, it is a war between the same contending principles.

When the Virginia and Kentucky Resolutions were sent to the various State Legislatures, all those north of a certain line declared them to be dangerous to the Government of the United States, subversive of the principles on which it was based, and that the Federal Constitution admitted of no such construction. Then the issue between the Federalists, or friends of an inferential construction of the compact, and the Republicans, or friends of a strict construction, was fairly brought before the American people. The people, sir, when not led away by interested demagogues, but suffered to reflect, will always be right. They were so then, and the result was the election of Mr. Jefferson to the Presidency. Then was the triumph of the Republican doctrines accomplished; and from that day to the present the same parties have continued in conflict under some form or other, the chief variations being only in names, with very few material shades of difference. Am I incorrect, sir?

I hold in my hand the Virginia and Kentucky Resolutions of 1798 from which the first four in the substitute of the minority of the committee are taken, and I call upon those gentlemen who profess themselves to belong to the Republican party to say whether they will now abandon the principles contained in them,—the principles of those great champions

of liberty, Madison and Jefferson, and the principles which, we have been taught, were those alone which could secure the stability of our Union and the perpetuity of our great Confederacy.

[Here Mr. Dawson read the Virginia and Kentucky Resolutions which appeared in the report of his speech.]

Well, then, sir, we have seen that Virginia advocated those doctrines; and we shall see that the State of Georgia, with some few alterations, followed in the wake. In 1802 occurred the well-known case of *Chisholm*, when the State of Georgia was cited before the Supreme Court, and all the judges, with the exception of Judge Iredell, declared the Supreme Court had jurisdiction. A brief history of that case is this:—

In the year 1792 the United States Marshal served copies of a process from the Supreme Court on the then Governor of the State of Georgia and the Attorney-General of the State, at the instance of one *Chisholm*. After the meeting of the Supreme Court, the then Attorney-General of the United States moved, "That, unless the *State of Georgia* shall, after reasonable notice of *this motion*, cause an appearance to be entered in behalf of said State on the fourth day of the next term, or shall then show cause to the contrary, judgment shall be entered against the said State, and a writ of *inquiry of damages* awarded." At the February term, 1793, the case was called up, and a *protest* of the State of Georgia (sent by the authorities of the State) was presented, denying all jurisdiction by the *United States courts*, and *absolutely refusing to enter into any argument or to answer in any other way*.

The case was then argued *ex parte*, and the court did *decide* against the *State of Georgia* in favor of the jurisdiction of the Supreme Court. On the question of *jurisdiction* all the judges agreed except one, (Judge Iredell,) who maintained—and independently—the *States* to be *creators* and superiors of the General Government, and happily elucidated the distinction between a *sovereign State* and a *mere corporation*. Judgment was then taken by default against Georgia, and additional *notices* of the proceedings of the court served. To none of these proceedings did the *sovereign State of Georgia* yield. She disobeyed and disregarded; she interposed her sovereignty; or, if gentlemen prefer or will not be frightened, I will say Georgia *nullified*. At February Term, 1794, of the Supreme Court, judgment was rendered against her by default, and a writ of inquiry ordered. Was this writ ever executed? No, sir. See 2 Dallas's Reports, 419, where this case is reported. Thus Georgia set this decision at naught; she defeated it; and therein, by an act of nullification, avowing her determination to resist the mandate, she did not appear. What, sir, was the consequence? Was there any disturbance? Was there any convulsion? Was there any bloodshed, any war, any pestilence? No, sir. In spite of the position assumed by the Supreme Court,—which took an *ex parte* proceeding, and had judgment entered against the State,—what did Georgia do? She declared the jurisdiction null and void and refused obedience. What, then, sir, was the consequence of all this? No war, sir, no bloodshed, no convulsion. No, sir. The people of the United States met and amended the Constitution, limited the powers of the Supreme Court, and declared that the Constitution could not be so construed as to give to that court the power claimed.

The foregoing is not the whole of the speech delivered by Mr.

Dawson, a portion of it being reserved for another paper. The following editorial paragraph appeared in connection with the speech, and is here inserted to throw light on the issues of that day:—

In the recent debate in the Senate, we were much struck with the vast apparent difference between the orators on both sides. The gentlemen of the State-Rights party who spoke in favor of the substitute offered by the minority presented the doctrines of the party with so much eloquence, that we were not surprised at the apparent reluctance with which our opponents came forward to vindicate themselves from the inconsistencies charged upon them and proved so conclusively. The President of the Senate vacated his chair to reply to Mr. Dawson. Standing so high in the confidence of our adversaries, and holding his office by their suffrages, we must believe the positions he advanced to be the tenets of the party to which he belongs. We listened with much attention to his speech, and for the life of us we could not distinctly perceive the honorable Senator's meaning,—doubtless owing rather to our limited capacity than the orator's perspicuity. We understood him to say "that the people were the source of power," and from this axiom he deduced the conclusion that, as the agents of the people exercised the attributes of sovereignty, the sovereignty resided with them; or, in his own words, "the Governments created by them were sovereign." He afterward asserted that "the people could create any *amount of sovereignty* they pleased!"—a task that, with all their admitted omnipotence, they would find it rather difficult to accomplish. The occurrences of the last few days have now clearly developed the creed which our adversaries profess. The positions maintained by their orators in the Senate are perfectly in accordance with the Federal doctrines so signally defeated in 1801. We feel ourselves forced to the conclusion that they are Federalists in theory and practice when the people can be deluded, but, when cases occur where *the deceptive system* cannot be further practised upon, they abandon all they labor so hard to prove, and furtively attempt to appropriate to themselves the practice of the State-Rights party, at the same time loudly condemning their principles. This delusion cannot be longer supported by those whose interest it is to deceive the people. Georgia, on the question which has called forth legislative interposition, is awake; the mask will be plucked from the features of Federalism, which it now conceals, and the independent freemen of this State will turn from their confidence those by whom they have been duped. The reaction is commencing even now: the brazen idol totters on its clay foundation, and a short year will see it shattered to fragments in its fall. In the next Legislature the State-Rights party will preponderate; and if in the case of State interposition, where Georgia now stands ready to put forth her arm in defence of her rights, the doctrines of the Federalists shall weigh it to the earth, she will be nobly redeemed when the principles of the State-Rights party become (as they must eventually become) the principles of the State.

In 1835, Mr. Dawson was re-elected to the State Senate. On the breaking out of hostilities in the Creek nation, in the spring of 1836, he raised a volunteer company, marched at their head, and received from General Scott a separate command for special

service, the duties of which he performed to the satisfaction of that gallant soldier.* In the same year he was nominated for Congress, on general ticket, and was elected a member of the House of Representatives to commence 4th March, 1837. A vacancy occurring by the death of General John Coffee, Mr. Dawson was elected to fill the unexpired term, and took his seat in Congress on the first Monday in December, 1836. He at once became a prominent, working, influential member, and was re-elected in 1838 and in 1840.

Such was his popularity—supposed to exceed that of any man in Georgia—that his political friends, after mature consultation in the usual mode, nominated him for the Executive in 1841, in opposition to Gov. McDonald. But he was defeated by a majority of about four thousand votes, owing, unquestionably, to the persecution waged against him in the canvass on account of a vote he gave in Congress including tea and coffee in the tariff for revenue. For convenient reference, the author has collected the official votes cast by the people at each election for Governor:—

1825.		1827.	
G. M. Troup,	20,545	J. Forsyth,	22,220
J. Clark, .	19,862	Scattering,	9,072
	—————683		—————12,158
	40,407		31,292
1829.		1831.	
G. R. Gilmer,	24,204	W. Lumpkin,	27,305
J. Crawford,	10,718	G. R. Gilmer,	25,853
	—————13,486		—————1,452
	34,922		53,158
1833.		1835.	
W. Lumpkin,	30,861	W. Schley,	31,177
J. Crawford,	28,585	C. Dougherty,	28,606
	—————2,276		—————2,571
	59,446		59,783
1837.		1839.	
G. R. Gilmer,	34,178	C. J. McDonald,	34,634
W. Schley,	33,417	C. Dougherty,	32,807
	—————761		—————1,827
	67,595		67,441

* See White's Historical Collections of Georgia, p. 482.

1841.		1843.	
C. J. McDonald,	37,847	G. W. Crawford,	38,713
W. C. Dawson,	33,703	M. A. Cooper,	35,325
	4,144		3,388
	71,550		74,038
1845.		1847.	
G. W. Crawford,	41,514	G. W. Towns,	43,220
M. H. McAllister,	39,763	D. L. Clinch,	41,931
	1,751		1,289
	81,277		85,151
1849.		1851.	
G. W. Towns,	46,514	H. Cobb,	57,397
E. Y. Hill,	43,322	C. J. McDonald,	38,824
	3,192		18,573
	89,836		96,221
1853.		1855.	
H. V. Johnson,	47,708	H. V. Johnson,	54,461
C. J. Jenkins,	47,168	G. Andrews,	43,721 10,740
	540	R. H. Overby,	6,261 6,261
	94,876		4,479
			104,443

Pending the election for Governor, Mr. Dawson did not resign his seat in Congress, as it is quite common among politicians to hold on to what they have until the better office is secured. But after the refusal of his fellow-citizens to accept his tender of service as Chief-Magistrate, he resigned, from a proper feeling of delicacy and self-respect, construing the vote against him as a disapproval of his course in Congress.

After his withdrawal from public life, Mr. Dawson gave himself up to his profession, and was employed in the chief causes of his circuit. He was a very effective advocate, and, where important interests had to be litigated, he was generally selected as leading counsel.

On the 1st of February, 1845, Gov. Crawford tendered him the appointment of Judge of the Ockmulgee Circuit, to fill the vacancy caused by the resignation of the Hon. Francis S. Cone. He accepted the office until an election could be had by the Legislature, positively declining to be a candidate.

A new scene is now to open to Judge Dawson,—one which is to crown his eminently useful and agreeable life. At the session of

the Legislature in November, 1847, he was elected* a Senator in Congress for a term of six years, commencing on the 4th of March, 1849. This is justly regarded as one of the most honorable positions in the Government. It was a tribute worthily bestowed.

Of the part acted by Judge Dawson in the Senate of the United States, it is the purpose of the author to give an outline, by reference to public documents and other reliable sources of information. Merely to show the form, the author gives the copy of a very proper credential:—

STATE OF GEORGIA.—By his Excellency GEORGE W. TOWNS, Governor of said State.

To the Honorable WILLIAM C. DAWSON, greeting:

Whereas, by the third section of the first article of the Constitution of the United States of America, it is ordained and established that the Senate of the United States should be composed of two Senators from each State, chosen by the Legislature thereof for the term of six years; and whereas, the General Assembly did, by joint-ballot of both branches thereof, on the thirteenth day of November instant, elect you, the said William C. Dawson, to be one of the Senators from this State in the Congress of the United States, to serve six years from and after the fourth day of March, eighteen hundred and forty-nine:

These are therefore to commission and authorize you, the said William C. Dawson, to take session in the Senate of the United States from and after the fourth day of March, 1849, to use and exercise all and every the privileges and powers which you may or can do in and by virtue of the said Constitution, in behalf of this State.

Given under my hand and the great seal of the State, at the Capitol in Milledgeville, this nineteenth day of November, in the year of our Lord eighteen hundred and forty-seven, and of the Independence of the United States of America the seventy-second.



By the Governor:

N. C. BARNETT,

Secretary of State.

GEORGE W. TOWNS.

All who were well acquainted with Judge Dawson know his industrious habits. The record, therefore, affords only what might be expected in this regard. The author has before him the Congressional Globe for certain sessions of Congress, and a summary is here given of the debates in which Judge Dawson participated in the Senate. At the session of 1850-51 he addressed the Senate on the following subjects:—

1. On the bill for the relief of Irad Day.
2. On the bill authorizing the State of Wisconsin to select the residue of a certain grant of land.

* The ballot stood,—W. C. Dawson, 91; W. T. Colquitt, 85.

3. On the bill granting lands to Louisiana and Mississippi for the construction of a railroad.

4. On the bill for the settlement of private land-claims in California.

5. On the Deficiency Bill.

6. On the bill granting land for the benefit of the indigent insane.

7. On the bill to remit duty on certain railroad-iron.

8. On the bill explanatory of the bounty-land law.

9. On the appropriation to pay the amount of a judgment to Manuel Harmony.

10. On the proposed dry-dock in California.

11. On the bill to assist the State of Louisiana to reclaim the swamp-lands within her borders.

While the joint resolution from the House of Representatives was before the Senate making land-warrants assignable, Judge Dawson offered the following amendment:—

And be it further Resolved, That nothing in the first section of the act of 28th September, 1850, granting bounty-lands to certain officers and soldiers who have been engaged in the military service of the United States, shall be so construed as to exclude any commissioned or non-commissioned officer, musician, or private, whether of regulars, volunteers, rangers, or militia, who was mustered into the service of the United States for the suppression or prevention of Indian hostilities and served the length of time required by said act.

At the session for 1851-52, Judge Dawson submitted remarks to the Senate:—

1. On the resolution relative to the reception and entertainment of Kossuth.

2. In regard to intercourse with France.

3. On the bill for the relief of Margaret Hetzel.

4. On the bill providing for the assignability of land-warrants.

5. On the bill for the relief of Erastus A. Capron.

6. On the bill for the relief of Thomas H. Leggett.

7. On the bill for the benefit of Carmelite nunnery.

8. On the joint resolution for the continuance of the work on the Capitol.

9. On the public expenditures.

10. On the bill granting to Ohio the unsold lands in that State.

11. In relation to the proceedings of the Whig Congressional Caucus.

12. On the bill authorizing a survey for a basin for the Chesapeake and Ohio Canal.

13. On the bill granting land to Wisconsin for a railroad.
 14. On the memorial of the Society of Friends in relation to the Fugitive Slave Law.
 15. On the bill granting land to Michigan for a railroad.
 16. On the bill emendatory of the patent-laws.
 17. On the bill for the relief of Elizabeth B. Lomax.
 18. On the bill providing for an exchange of school-lands.
 19. On the bill for the relief of the legal representatives of James C. Watson.
 20. In relation to the North American fisheries.
 21. In relation to the Census Board.
 22. On the bill providing for the election of a public printer.
 23. On the Apportionment Bill.
 24. In relation to printing the Census returns.
 25. In relation to the construction of a ship-canal around the Falls of St. Mary.
 26. On the Iowa Land Bill.
 27. Concerning the Expedition to Japan.
 28. On the bill providing payment for the surveys of claims in California.
 29. Concerning the establishment of a telegraph and mail-line to California.
 30. For the relief of the West Feliciana Railroad Company.
 31. On the Army Appropriation Bill.
 32. On the appropriation for the Collins line of steamers.
 33. On the appropriation to pay balances due the Creek Indians.
 34. On the appropriation to indemnify the people of Georgia, Alabama, and Florida for depredations committed by the Creek Indians.
 35. On the Naval Appropriation Bill.
 36. On the proposition to regulate the appointment of mid-shipmen.
 37. On the appropriation for the Seneca Indians of New York.
 38. On the bill to increase the salary of the District Judge of New Hampshire.
 39. On the appropriation for the floating dry-dock at San Francisco, California.
 40. On the appropriation for the Indians in California.
 41. On the Civil and Diplomatic Bill.
- As Judge Dawson had the sagacity and boldness to differ from

a majority of the Senate in relation to Kossuth, the subject will be more particularly noticed.

On the 3d day of December, 1851, the following joint resolution was taken up in its order:—

Joint resolution in relation to the reception and entertainment of Louis Kossuth, Governor of Hungary, in the United States.

Be it Resolved, &c. That a joint committee of the two Houses of Congress, to consist of — members of the Senate and — members of the House of Representatives, be appointed by the presiding officers of the respective Houses, to make suitable arrangements for the reception of Louis Kossuth, Governor of Hungary, on his arrival in the United States, and to communicate to him assurances of the profound respect entertained for him by the people of the United States, and to tender to him, on the part of Congress, and in the name of the people of the United States, the hospitalities of the metropolis of the Union.

Judge DAWSON addressed the Senate as follows:*

MR. PRESIDENT:—Perhaps it would be as well to meet the question at once upon the proposition to fill these blanks. I am not prepared myself, as a representative of one of the States of this Union, to adopt this resolution. As an individual, as a citizen of the United States, I am willing to show to Kossuth that respect which my judgment and my feelings may dictate; but in my capacity as a Senator I cannot consent to what is here proposed. I know of no precedent in the history of our Legislature which would justify the adoption of this resolution. I have never known such marked distinction shown to any distinguished citizen of our own country, whether a military man or a civilian. I see nothing in the character of this distinguished individual which should make the Government of the United States get up a great pageant on his account and distinguish him from all other men who have ever lived. Has he ever been connected with our institutions? Has he ever rendered any particular service to this country to entitle him to this mark of distinction? Not at all. It is true he is a great man, but he is not greater than many men who now live and have lived. His position is such as to call into exercise our sympathies for him and his associates as men. That sympathy this Government has already shown to an extent almost unparalleled, by sending one of the national vessels to receive him and his associates, if they were willing to come to this country. Have we not done enough to show our sympathies and our good feelings? I think we have. Against the man's character and cause I utter not a word. The American heart is open for his reception. It is the people who will receive him. Lafayette, when he came to this country, was received in a manner which was justifiable on the part of the Government of that day, because he was connected with the Revolution which gave us the liberties which we enjoy.

Several days afterward, when the resolution was again under consideration, Mr. DAWSON remarked:†—

* See Congressional Globe, vol. xxiv. part 1, p. 21. † Ibid, p. 71.

MR. PRESIDENT :—When the first resolution offered by the Senator from Mississippi (Mr. Foote) was presented, I briefly stated the reasons why I could not vote for that resolution. Since the discussion has commenced, the character of the proposition before the body has most essentially changed. It is due to candor, and to a right understanding of this subject, before the nation and the distinguished individual whom we are disposed to honor, that we should understand each other thoroughly,—that we should know what were the expectations created in the mind of Kossuth when he received what is called the invitation to the hospitalities of this country. We have to ask him his impression of that invitation. We should know what expectations were created. We should understand them. We should understand his impressions of the obligations he is laid under. And that candor would compel us to investigate the understanding between the host and the guest. We tendered to him a national vessel to come to this country and seek an asylum,—or to come and receive hospitality, according to the interpretation of some. We did not intend to interfere with the domestic affairs of Hungary or any other country. We found him an exile, a voluntary captive, or under the hospitable protection of the Turkish Government. We asked him here. He has come. On his way to receive our hospitality, he announced to the world the character of the invitation. He lets us understand what is his construction of it : that he has come here, not merely for the purpose of receiving our sympathy, but to ask us to interfere between his country and foreign Governments. He asks us to declare that we will interfere, in the event that the struggle should recommence in Hungary against Austria. He tells the world that this is the object of his visit. And when he lands on our shores he tells us that he knew he had our sympathies ; that he and his countrymen had the sympathies of the world ; that it was not from mere sympathy that he crossed the Atlantic Ocean ; that he came here to have something more substantial. He wants to receive the pledge of this Government, that, if the hour of revolution should ever come again in his fatherland, the United States will stand by and see fair play, and that if any other nation on earth interferes, then the United States shall take part in the controversy. That is the character of the position he now occupies. He tells us that he expects the material of aid to protect his country. And what is that ? Men, money, and arms. That is his impression.

Is it not, then, due to candor—do not honor and magnanimity require us—to announce to Kossuth that this Government has no such design ? Will you suffer him to come to the seat of Government with such expectations ? or will you state to him the character in which you expect to receive him ? My colleague, (Mr. Berrin,) sensible of his position, and of the impression made upon the mind of this distinguished individual by the formal welcome to our shores, has introduced an amendment asking us to announce to him that he is mistaken,—that he is not to come to the seat of Government of this great nation under the expectation that this Government gives any pledge, or any assurance, that they will sustain him at any time. Why should we not tell him that he must not expect that we shall afford him men and means as a Government ? As an honorable man, connected with another individual, would you suffer that individual to have wrong impressions in relation to the course you intended to pursue ? Would you not let him understand precisely what you intended ? Just so with nations. It is due from the Government of the United States

to announce to this distinguished individual the object they have in view. I submit to honorable Senators whether they intend to justify the expectations which Kossuth has announced he had in coming to this country? Will they allow the impression to be left on his mind that we are to furnish him with any material of war? I think not; although some Senators declare they will not express opinion one way or the other; that "sufficient unto the day is the evil thereof;" when the occasion arises they will determine whether or not to interfere. This is the language of the Senator from Illinois, (Mr. Douglas.) This is the language of the Senator from Michigan, (Mr. Cass,) and, indirectly, the language of the Senator from Mississippi, (Mr. Foote.)

When the Senator from Mississippi read the speech made by the present distinguished Secretary of State (Mr. Webster) in 1823, it at once drew my attention to the state of this country at the time, and to the principles upon which the Republican party have stood from the days of Washington down to the present hour. Then it was that revolutions were going on in South America; then it was that our country had to announce to the civilized world the principles upon which we administered this happy government. Then it was, I would remind the Senator, that the distinguished Mr. Monroe, who concentrated in himself, on account of his purity, both the Republican and Federal parties, announced what were the principles of this Government, and the principles which had been sustained by Washington, by Adams, by Jefferson, and by Madison. I will show you, by reference to the message of 1824, what were the views of Mr. Monroe, and upon precisely such a question as this; that is, the question of interference with foreign Governments. I beg to read from that message, in order that this may go out with the speech which was read by the Senator from Mississippi.

Mr. FOOTE, of Mississippi. I wish to ask the gentleman whether we are to understand him as concurring with Mr. Webster or Mr. Monroe.

Mr. DAWSON. If they differ at all, I concur with Mr. Monroe, though I do not think there is any difference of opinion. But I would ask the Senator, in return, whether in 1824 he would have concurred with Mr. Webster or Mr. Monroe.

Mr. FOOTE. If their views were the same, there is no necessity for that.

Mr. DAWSON. I read from Mr. Monroe's message of 1824: [Only the closing portion of the extract in Mr. Dawson's speech is here given.]

"Separated, as we are, from Europe, by the great Atlantic Ocean, we can have no concern in the wars of the European Governments, nor in the causes which produce them. The balance of power between them, into whichever scale it may turn in its various vibrations, cannot affect us. It is the interest of the United States to preserve the most friendly relations with every power, and on conditions fair, equal, and applicable to all. But in regard to our neighbors [the South American States] our situation is different. It is impossible for the European Governments to interfere in their concerns, especially in those alluded to, [casting off the Spanish yoke,] which are vital, without affecting us: indeed, the motive which might induce such interference in the present state of the war between the parties, if a war it may be called, would appear to be equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated, have appeared to acquiesce in them."

Sir, (continued Mr. DAWSON,) the principles here laid down by Mr. Monroe have been laid down from the foundation of this Government: that we should not interfere in the affairs of European nations, that we should take no part in their wars, and that we should suffer no European power to interfere or intermeddle with the relations of this continent. What is sought now to be done? I know that gentlemen disclaim the idea of interference; that is, they do not intend to intermeddle in any of their strifes. But what is the proposition before us, stripped of the circumstances which surround it? Take away the verbiage and the rhetoric which have been thrown around it, and what does the proposition amount to? What does Kossuth expect from this country? What does he believe your invitation is intended to signify? From whom can you get this information but himself? He tells you, candidly, that he comes not merely for your sympathy, but for your material,—for your pronouncement or proclamation that, in case Austria and Hungary again engage in bloody strife, you will stand by and see fair play; and, if any other foreign power interferes, we shall take a hand in it. I defy any Senator to put a different construction upon the language of this distinguished man. Yet in a crisis like this in our own country, at a time just preceding the Presidential election, when the foreign influence is tremendous, we are called upon to do this. I say it is wrong. There is a want of candor and a want of magnanimity in giving him a public reception here, unless we tell him what we really intend to do, and what we intended at the time we invited him, and that when we opened our hearts to receive him it was for the purpose of throwing around him the protection of the Constitution and laws of this country. But when he comes here he changes his character to that of an agitator, and proclaims to us, Gentlemen, I will dine with you: but I shall prescribe the character of the dishes which shall be on your table; I shall tell you what I expect when I come to see you, and not have it to your own taste. This question comes home to our candor and magnanimity, not as politicians, but as men and statesmen. The consequences growing out of this question will involve not us only, but our reputation as a Senate. Is there a Senator here who would say to Kossuth, "We will give you the material of war at the proper time"? But he says, "I came here under that expectation: I announced that expectation: and still you asked me to come." He will say to you, as he said to the deputation from Philadelphia, that "if he had known, before he came here, that this was the limitation upon the invitation, he would have hesitated long before he would have come."

Kossuth is acting with candor. He is carrying out that boldness and independence of conduct which has marked his career. Let us follow the same example; and, when dealing with a man of honor, of chivalry, of intelligence and statesmanship, let us deal with him in candor, and not allow him to be led astray by our uncertain course. Hence it is that I have taken up my position in opposition to this resolution; hence I oppose the resolution of the Senator from New York. What is meant by it? The Senator from Michigan says, We welcome Kossuth as the representative of a great principle. Of what principle? Kossuth says it is the right of nations to interfere with foreign nations; not the principle of non-intervention, but the right to interfere, when two contending powers are engaged in war, to prevent a third power from taking part. That is his principle, and he expects to be sustained. Now, will you receive him, and receive him publicly, without announcing to him what we mean, without

letting him understand, as proposed by my colleague, the principle which we intend to pursue,—a principle coeval with the foundation of our Union?

I ask pardon of the Senate for having trespassed so long upon them. I did not design to speak; but I thought it necessary for me to do so in consequence of the position in which the question had been placed.

The reader may see the various resolutions about Kossuth, and the final action of Congress on the subject, by reference to another part* of this work.

Following the example of other Senators, who took occasion to notice on the floor of the Senate certain newspaper-allusions to them, Mr. Dawson, on the 15th of April, 1852, asked the indulgence of the Senate for a personal explanation. He had seen in a New York paper† some unfair criticisms relative to a Whig caucus which he was charged with attending a few nights previously. His name occurred in the following passage:—

What are the facts of this Whig caucus? The North was there in strength. William H. Seward, Thaddeus Stevens, Mr. Wade, of Ohio, and other notorious ringleaders of the Abolitionists, were there, apparently the most efficient members in the practical action of the caucus. Certain spirited and consistent Union Whig members from Kentucky, Tennessee, and North Carolina were there, boldly demanding an understanding with the North, as the first step to united action; but they were overwhelmed. There was a debate of four hours; but the question was deferred, and Mr. Mangum intimated that he should at the next meeting rule the motion for an understanding to be out of order. This is bad, and places Mr. Mangum in a bad position; and the apparent concurrence with his views by Messrs. Badger, Dawson, Jones, of Tennessee, Stanly, and some other Southern Whigs, places them in the same questionable attitude.

In another article the same paper remarks:—

Mr. Mangum would undoubtedly, upon a satisfactory platform, be a very popular candidate to run with Gen. Scott. Perhaps his colleagues—Mr. Badger, of the Senate, and Mr. Stanly of the House—entertain the same opinion. It may be that Mr. Senator Dawson, of Georgia, has some aspirations for the Vice-Presidency. At all events, the apparent willingness of all these distinguished Southern Whigs to take Scott and his right bower—Seward—upon trust, gives a bad aspect to the whole case,—the aspect of a final caving in to the most insidious and dangerous of all the enemies of the South.

Only one paragraph of Mr. Dawson's explanation to the Senate is here given. He said,—

Now, Mr. President, I did not attend that caucus, nor did I participate in its conclusions, either directly or indirectly; nor am I under any pledge to abide by the determination to which these gentlemen may come. My position, I thought, was well known. It was publicly announced, more than a year since, that I would support no man for the Presidency who would not support the measures, one and all, known as the Compro-

* Memoir of the Hon. John M. Berrien.

† The Herald.

mise, openly and honestly, with no view to deceive either the friends or the opponents of those measures. Hence I aver that I will act with no party which shall endeavor, either directly or indirectly, to open for agitation the questions adjusted by the Compromise, even for the purpose of securing votes at the ensuing Presidential election. Nor will I combine to elect any man to the Presidency whose opinions are not beyond doubt or cavil on the *finality* of the Compromise; nor shall I, under any circumstances, act with any party that shall not have the firmness publicly to avow their support of the Compromise. Nor shall I commit myself by attending the Whig or Democratic Convention, as at present advised. I desire to see our friends in the non-slaveholding States by their own action determine for themselves what is their true position in regard to the agitating questions of the day. If the South is to have no quiet upon these questions, I want to know it. The South herself desires to know it; and if it shall be determined that agitation is to be continued, then, my word for it, there will be no division in the South: there will be, as there should be, but one sentiment,—that of union against unconstitutional aggressions.

It is presumed that Mr. Dawson was content with the letter of Gen. Scott accepting the nomination for President, as he became one of his supporters, and exerted considerable influence in his favor; though of course no man of intelligence was very sanguine that the vote of Georgia would be given to the brave old hero.

But the leading effort of Mr. DAWSON during the session was the speech he delivered in the Senate, March 1, 1852, "on the bill granting land to the State of Iowa in aid of constructing certain railroads." As containing the facts and the arguments, a tolerably copious extract is given from the speech, as received in pamphlet form by the author from Mr. Dawson himself.

Mr. DAWSON said,—

As new States are added day after day, they call for appropriations of public lands, either by their Legislatures, or they wish to have them given to companies; and, strange to say, we have appropriated millions of acres without the Legislatures of the States asking for the appropriations! Senators rise and tell us for what purpose it is wanted, and under such mistaken apprehensions we vote the appropriations. I am not now speaking of Iowa. I will look into Illinois. I am sorry that one of the Senators from Illinois [Mr. DOUGLAS] is not now in his seat; but many Senators who were with me on this floor when the Illinois Railroad Bill was passed will recollect that it was said that it would be four hundred miles long, from Chicago to Cairo; in other words, from the farthest northern boundary of Illinois down to its most southern on the Mississippi. Alternate sections were donated for ten miles in width. I opposed it then, on the ground of its injustice; but I was not even aided by many friends from the old States. I then proclaimed the injustice of it; but I was not sustained. I saw that the rights of the old States were to be thrown over; and I saw what would be the result. The Senator from Illinois threw himself in for railroads yet in embryo, and took land lying six hundred and ninety miles along for a road, as I will show you. Upon that, I suppose, he thought he would ride triumphantly right off to the White

House; and he is driving there now. I do not wish to interfere with the gentleman's aspirations, but I do not like to pay for his platform.

I have a statement before me, showing the lands granted under the Illinois bill. I call upon Senators, and I call upon the country, to look this matter in the face, and see whether we, the old States, can pass these bills and do injustice to ourselves. Does any Senator on this floor know the length of the road from Chicago to Cairo for which we granted lands during the last Congress? If I am wrong in my statement, I wish to be corrected. For that road—which was unsurveyed, which was not located, which was not called for except by the imagination of Senators—from Chicago down to Cairo, instead of appropriating lands for the length of four hundred miles as was represented, we appropriated for six hundred and ninety miles, including the branches. We appropriated money—or land, which is its equivalent—for two hundred and ninety miles of railroad which we did not know we were building. Yet you will not vote a dollar for a light-house, for a fortification, or for an improvement, in any of the old States, unless surveys have been made and estimates have been presented. Still, you will suffer Senators and others from the Northwestern country to come here and take more in millions than you would grant to other States in thousands, and call it correct legislation, and charge those who oppose it and make these presentations of facts to the country, with a want of liberality and justice. Here, then, is a mistake. Instead of granting lands for a railroad four hundred miles in extent, we were granting lands for a railroad six hundred and ninety miles long; and we did not know it! Let us go a little further. The land which was granted under that act was taken up by Illinois. And how many acres do Senators suppose it was? Why, 2,700,000 acres of land. My friend from Illinois knows it to be so. I do not blame the Senators from that State for it. They presented the claim. They made no misrepresentation. They were asked for no information as to the true condition of affairs; and they said to us, "If you are willing, let it pass;" and, gloriously for them, it did pass. I will show you now how it was carried out, who were the beneficiaries, and what was the object and character of the appropriation.

Mr. SHIELDS. Will the honorable gentleman permit me to ask on what basis his calculation is founded?

Mr. DAWSON. From information given by the colleague of the honorable Senator.

Mr. SHIELDS. I wish to know the authority of the gentleman for saying that the road is six hundred and ninety miles long.

Mr. DAWSON. I learn from the gentleman's colleague that the main road, including the branch to Galena and the other branches, will be six hundred and ninety miles long.

Mr. SHIELDS. The road from Chicago to Cairo will not be quite four hundred miles long; but I find that the gentleman includes the branches.

Mr. DAWSON. The six hundred and ninety miles include all. It is immaterial whether it is cross-firing or direct firing: the lands have been taken. The Senator corrects me on a part that does not involve any principle. I have not said that the Senators from Illinois acted wrongly. If I was a constituent of theirs, I should probably have approved of their course, by which their State got 2,700,000 acres of land to construct six hundred and ninety miles of road. What does the Senate suppose, what does the country suppose, has become of these 2,700,000 acres of land, which are said to be the finest lands in Illinois?—and all the lands in that

country are said to be of excellent quality. It is one of the most beautiful countries in the West. I was reading the other day the remarks of a gentleman on the subject, and he astonished me: he says it is the finest part of God's globe,—the finest country on which civilized man ever settled,—promising, healthful, and fertile. Two million seven hundred thousand acres of this land have been taken for the construction of the Illinois Railroad. Why, it is but a little more than one year since we passed the bill authorizing the appropriation of this amount of public lands to build the railroad. Illinois, through her Legislature, passed an act authorizing certain agents to dispose of these lands to companies who would construct these railroads. Those agents disposed of these lands to a company formed in Boston and New York, (through their agent Mr. Rantoul, who made a speech in the other House on this subject a short time ago, which astonished me, coming from a Representative of one of the old States,) who undertook to build these railroads and complete them in four years from this date. Illinois, I believe, reserves to herself seven per cent. of the gross receipts of these railroads thus to be built with the proceeds of 2,700,000 acres of the public lands. This number of acres is now in the hands of a company formed in Boston and New York, who, in their corporate character, are the sole and exclusive owners of the land.

Mr. SHIELDS. Lest there might be some misapprehension about this subject, I would take occasion to state that the company only get control of the land as they make the railroad. They are not the absolute proprietors; they only obtain the land in proportion to the progress of the road. If they fail, the land reverts to the State.

Mr. DAWSON. Exactly. The Senator's statement shows that the company receives the land in instalments instead of getting it all at once. What undertaker would pay a man \$5,000,000 for work and labor to be executed? He would not pay at all until all the work was done. It is admitted, however, that the title to the land is vested contingently in the company, and, as they finish the road from point to point, the title absolutely vests in them. I have gone into the estimates and calculations, and I find that the cost of building a railroad in that country will not exceed \$10,000 a mile for laying down the rails, including excavations, embankments, and superstructures. The cost for these, and then for putting on the engines and cars for these six hundred and ninety miles, will be \$6,900,000. What is now the estimated value of this land by the corporators themselves,—by the gentlemen of the corporation in Illinois? The Senators from Illinois know its value. It is the finest land, as is admitted by the Senators, in the whole Valley of the Mississippi, and worth at least ten dollars an acre. There are 2,700,000 acres of land gone into the hands of this company to build a railway worth to them \$27,000,000. Thus, by our legislation here, this company will receive a profit of \$21,000,000 on six hundred and ninety miles of railroad. If we had acted properly, that might have been done by the United States, and the same profits been received into the Treasury. And yet it is said that this is honest and just legislation toward every section of country! Why, it is an outrage upon the justice and rights of the States which we represent here, and one which ought not to be again permitted to occur.

Nor is this all. These gentlemen say that they will not allow a division of the lands, and will not let the old States hold lands within the limits of the State of Iowa or Illinois, or any other of the new States. They tell us they will not allow other States to hold lands within their limits.

Is a State more unkind than individuals? Illinois will allow a corporation of individuals to own 2,700,000 acres of lands within her limits. I present this to show that all these ideas are fanciful. They are unjust to ourselves and unjust to the country. It did not become us as representatives of the people, intending to do what is right and just between State and State. Why may not a State hold lands within another State? Could not the Governor of Georgia have gone to Illinois and purchased the lands as Governor, by undertaking to execute the contract? and then he could have held the land. Why, where is the constitutional provision to prevent one State holding land within the limits of another? Nowhere. This is the reasoning got up to encourage what are called State-Rights men to support these appropriations. Here is the working of the system now illustrated before the country, and I want the country to know it: 2,700,000 acres of land have gone into the hands of a company to build a road six hundred and ninety miles long, which will cost \$6,900,000; and the land is worth not a dollar less than \$27,000,000. Then here are \$21,000,000 gone by our legislation into the hands of a company,—gone by our legislation when we were not thinking of what we were doing. This is no fancy-sketch. I am telling the truth, and gentlemen know it, and I stand by it.

But, Mr. President, I promised to be short, and I have been. I have taken every thing in the way of a calculation out of my speech, because my friends from Kentucky [Mr. Underwood] and Tennessee [Mr. Bell] argued those matters so fully that I felt it would be unjust to the indulgence of the Senate to go over them. I have only gone over questions which they did not touch upon. What next occurs? My friend from Missouri [Mr. Geyer] talked about the great connecting-link which was to run and bind this country together by iron bars. That was the idea, though perhaps I am a little more fanciful than he was. And he said that these appropriations were made to carry on great roads, for the purpose of internal transportation upon land from place to place. That is true. Now, let me present a fact to this country. You say, gentlemen, that it is for the public good you do this; and if it did not increase the prosperity of the whole country it would be wrong, because, under the Constitution, we have no power to benefit a part at the expense of the whole. You say you want to form a great connecting-link in the country. Let us begin at Boston. Who built the railroad from Boston to New York? Who built the railroads from New York to Philadelphia, from Philadelphia to Baltimore, from Baltimore to Washington, and on, on, until you strike the Georgia line? These are great connecting-links for transportation, for convenience, for rapidity. Who built them? They were built by the people; they were built by individual capital and enterprise. What people? The people of the United States,—equally entitled and equally bound first for the benefits, and then for the consequences, of our Government. These people did it. And when you get to my own State, one of the youngest of the Old Thirteen, which was kept down for years and years because she could not extend her possessions coextensive with her lines and limits, as they were in the possession and occupancy of the Indians; when she saw the condition in which the country was placed; when she perceived that a connection with the North and South was desirable,—that intercourse must be rapid and improve our knowledge of each other, increase our affections for each other, and make us love our Government and love one another,—she did what? In the midst of her

poverty, what did she do? She commenced the line which had ended by the railroad from Charleston to Augusta. She commenced on the Georgia bank of the Savannah River, and with her own enterprise and with her own money ran that road to the Valley of the Mississippi; and it is now in full operation. She went over to Tennessee and asked an act of incorporation and permission to run her road through that State until we should strike the waters of the valley of the great Mississippi; and I will invite my friend from Missouri, [Mr. Atchison,] who said that Georgia wanted lands, and would be quiet if she only got them,—I will invite him, I say, to return home with me by that route to Missouri. I will pass him over that road at the rate of twenty miles an hour,—over mountains and through tunnels. I will place him upon the waters of his own great West by steam, from one end of Georgia to the other, and I will connect him with a steamboat to carry him in the direction he wishes, and then I will ask him to tell me why was all this done and by whom. Now, who joins the road at Cairo with this link of ours? We have now eleven hundred miles of railroad, at the expenditure of a capital of something like \$7,000,000, within our own State, all paid out of our own funds, running to the Valley of the Mississippi; and when you get to Cairo, and want to go up to Chicago to see the President, if he should ever be there, what do you do? When you land from your steamboat at Cairo and go over that road to Chicago, (six hundred and ninety miles with its branches,) if the honorable Senator from Missouri should ask who built it, the people of Illinois would stand on that road and look as majestic, as magnificent, and as consequential as if it had been done out of their own money and by their own hands, when they got from us six hundred and ninety miles of railroad built at an expense to the Government of the United States of \$6,900,000, and by the contract for which a company will make \$21,000,000. That will be the result; and then for the Senator to say that Georgia wants her share! If Illinois is entitled to this great benefit, why is not Massachusetts or Georgia? Because Georgia has done these things by her enterprise and energy, is it a reason why any fair, just, or honorable man should say, "You have done the work already: you have expended labor and money and ought to be satisfied"? No, sir. The question which ought to be apprehended is this:—Whose money is this? How should it be divided? To whom does it belong? But my friend, I believe, will go with me, and when he gets into Georgia will say, "By-the-by, you ought to have your share." He says that now; but he is fearful of endangering the bill by the adoption of this amendment.

I said—I make the observation now, and it can be explained—I was astonished when I saw the course of some Senators and Representatives from the old thirteen States upon the land-bills, who come out to vindicate the right of the new States to take up all these public lands. I read a speech, as I before observed, made by a gentleman in the other branch of the Legislature, which perfectly astounded me, vindicating these vast appropriations of the public money or public lands, and denying to his own State the right to have her share. I asked, Why is it so? When I came to search it out, I found he belonged to one of the companies which purchased these 2,700,000 acres of land from Illinois. I make this as no charge. It may have been all honest and fair; but I can see how it is that gentlemen here to-day jumped upon the *Baltic*, because it was the representative of capital, and denounced the idea that capital should be brought within the view of this Capitol to influence members in their

course here; and yet you will do acts here that give capital to the amount of \$27,000,000 to those who combine together to do a thing, in consequence of your legislation. I trust these gentlemen will become alarmed at this idea that the public lands are all to go into the hands of capitalists. Where is the Senator from Wisconsin, [Mr. Walker,] that he does not raise his voice against this accumulation of wealth and property in the hands of great landed proprietors and moneyed corporations? Not a word is said; but let Georgia, Massachusetts, or North Carolina, or any other of the old States, ask for what justly ought to be given her, and they will say, "No: we will never submit to such a great landed proprietor within the limits of our States." Look at the question and meet it fairly.

But gentlemen ask, Where is the power thus to dispose of the public lands as we desire? I have taken occasion to look at this thing; and just let me state what Congress has done. Congress has made grants to communities and individuals for various purposes. They have made grants to the States for education, for internal improvements, for public buildings, and have even granted lands to corporations, &c. for education, and granted them for the deaf and dumb. Where did you get the power from the Constitution to do all these things? If you can benefit all the rest of the world, why can you not benefit the old States? Where is the principle in the Constitution that gives you the power to do that for others that you cannot do for your own? It is an insult to the understanding, and calculated merely to awaken fears in the minds of the people and keep them confused on this subject; but if light ever fully dawn upon them, and they see how these public lands are taken from them, woe be unto that man or that party that seeks to deprive them of their rights. But is that all? You have given land to cultivators, to men to raise olives, and to raise grapes from which to make wine. Where did you get that power, when you cannot give lands to the State of Georgia, or Kentucky, or North Carolina, or Massachusetts, to educate even the poor and save them from starvation? You cannot do that! Oh, no! but you can give them to foreigners to cultivate the olive and grape: and then to stand up before an honest and intelligent community and tell them you cannot do this, for you have not the power! Gentlemen who do that must have very little respect for the intelligence of the people. I feel amazed at these arguments, and I feel worse than astonished when I find them prevail in some sections of the country over the minds of the people.

But is this all? Since that period you have given lands to Lafayette,—an individual. It was all right. You have made a donation of the proceeds of the public lands. Now, if you are entitled to the proceeds of the public lands, will any one tell me what is the difference between the land and the money for which it was sold? Where is the principle of the Constitution which says you have a right to sell the lands and then divide the money, but which prevents you from dividing the lands among the States and letting them dispose of them in their own way? There is none at all. It is discredit to the country to attempt to infuse such distinctions into the minds of the people and lead them from the main object in view. And, Mr. President, what do we all submit to? I appeal now not to the old thirteen States alone, but to all the States which have come into the Union whose lands are nearly gone. What is the effect of this policy upon our own section of the country? We are called upon to vote away public lands in this way,—for what? To diminish our population, to urge them to emigration and seduce them from the old

States, thereby impairing the value of our own lands at home, and increasing the value of those in the new States,—all at our expense. And yet we are called upon to sustain these propositions. Gentlemen see it and understand it. But I will not comment upon or illustrate these positions. I hasten to a conclusion.

I drop every thing else, and come down to the last point upon which I shall speak. The great question which has been presented is, What distribution shall be made of the public lands? Are the States of the Union all equally entitled to participate in the advantages growing out of them? Is there a Senator on this floor who dares, in violation of his own good sense, get up and announce that each State in this Union is not entitled to its share of the public lands? Is there one who dare do it? And yet they will waive that question, and adopt a course of policy by which they deny the principle in their action. They will not dare to avow it in their places in the Senate; but they are pursuing a policy that will by degrees sap the whole of the public lands, take from them, time after time, the best land, granting two or three hundred miles at a time to particular neighborhoods, like the Des Moines, and then at another time making a grant of lands ten miles deep for an extent of six or seven hundred miles,—and all this for the benefit of individual States, and without any regard to an equal distribution.

If we, the members of the Senate of the United States, composed of sixty-two persons, were partners in this great land-fund, and owned it as the United States do, if two of us lived in every State of this Union, if we held the lands under the same compacts, under the same articles of agreement, under the same treaties, that the United States hold them, is there a man who would violate his honor and that faith which is due to integrity, by saying that he would dispose of these lands to the injury of his distant friends in other States, by giving the benefit of them only to individuals living in the State in which the lands lie? And, if they were to do so, would not the Supreme Court of the United States instantly arrest this attempt to deprive one or more of the copartners of their just rights, and force them by the whole power of the Government to do justice among one another? Yet here we are, without any just cause, without any good reason for it, disposing of our public lands in just the same inequitable and improper manner.

Mr. President, let me suggest that this is the only question remaining between the two old parties of the country. The tariff is settled. The question of internal improvements is settled. Neither is now strictly a Whig or a Democratic question. Portions of both parties take different sides in regard to them. The disposition of the public lands is now the only question left unsettled; and I wish now to present this idea:—Is it right, is it prudent, for Congress to legislate in such a way as to give dissatisfaction to any portion of the country in relation to their rights? And is it not known that this partial mode of distributing the public lands has produced discontent? And this discontent will grow greater and greater as more and more acts are passed of this character and description. If this is the only question remaining, what ought we to do? Settle it; adjust it. Do it amicably; do it with justice; and do it with unlimited liberality toward the new States. I am one of those who, in such a distribution, would go as far as the farthest in being liberal toward the new States,—toward the younger members of the Confederacy, who have had to grow up in the wilderness and the forest. I will do for them as much

as any other man. But we all know what has been done for them. My worthy friend from Kentucky [Mr. Underwood] has told you of the advantages they have received; and I have, through his kindness, before me here a statement of what the three per cent. fund and the two per cent. fund granted to the new States have amounted to. And how much do you suppose has been paid out of the Treasury under these land-laws, in actual cash, to the new States? Four millions and some hundreds of thousands of dollars,—all gone to them already, besides the immense quantity of land they have received for educational purposes and for purposes of internal improvements. I do not mention this for the purpose of creating discontent or dissatisfaction; nor does it spring from any feeling of unkindness toward the new States. What I say is, that we have showed liberality upon liberality; and, if the representatives of the new States are willing to come to an equitable adjustment of this question, I want to know when they are going to begin. Was there ever a more modest, diffident, unassuming request made than that which is made by the amendment of my friend from Kentucky? He asks 14,000,000 of acres for the old States. He says, Give it to us: we want it to educate our poor people; we want it to increase our internal improvements. Look at what Illinois has got; look at what Iowa has got; look at what Indiana has got; look at all the new States: they are making railroads charmingly, successfully, and prosperously at our expense. Gentlemen of the new States, will you not do something to aid us? If you intend to do us justice, what time will be better than this to begin? What evidence can you give of a returning sense of doing that justice to us which the compact and the articles of cession require should be done, than to allow this amendment to pass? It is small and limited, to-be-sure,—scarcely enough to do much good. Still, if adopted, it would be the beginning of a system founded upon equity and justice, which might grow, and grow, until content and satisfaction would reign throughout those States, founded upon the justness and propriety of your legislation. But if you stop now, and declare that this distribution shall never take place, my word for it, this public-land question will be the great question that will disturb the harmony of parties and the aspirations of individuals. I am resolved, for one, that this injustice to the State which I in part represent shall never be perpetrated by any set of men with my approval. If they do me injustice in a case where I am clearly entitled to justice, I shall calculate that they would do me injustice on other grounds; and I may make it a foundation upon which I would make a stand, even against a friend who would not do us justice when it is claimed and when he knows he ought to do it.

This public-land question should not only be made a question in politics, but it should be made a question in morals. By what right can we here combine together to take from one another's people that which justly should be devoted and appropriated to their use, contrary to the law of the land and the moral law? Are we to forget every thing here and go into one common *mêlée* for the purpose of seeing who can get the most? There is a want of morality in that which I cannot approve. I would prefer that a man should win my fortune, and then enjoy himself in splendor upon it, than to get it in such a way as this. There is a want of morals and a want of principle in this which should be looked into. I make no charges against anybody. We have forgotten what is due to each other. The section of the country in which I reside is willing that the proceeds of these lands should be paid into the Treasury and be

appropriated for the payment of the general expenses of the Government. I have so voted. But the representatives of the new States will not permit it to be done hereafter. It is given away for every other purpose than that which would benefit the people of the old States. I have looked into this matter in every form and shape; and the more I have looked into it, the more I have become discontented with the manner in which the public lands have been appropriated. I have felt the necessity of a system founded upon equity and justice, by which the public lands may be disposed of. When will the period arrive when that may be done? Never, unless we begin; and there is no better time to begin than the present. Hence it is that I say, that if this proposition is rejected it will show that you never intend to adopt any proposition by which the old States of this Confederacy may be benefited by the public lands. If that is done, we will understand you.

I ask pardon for having detained the Senate so long; and I assure them that it was not my intention, when I arose, to have spoken more than thirty minutes.

Mr. UNDERWOOD. I hope the question will not be taken now. I think it would be better that it should not now be taken. The truth is, that if you force me to vote at this time I do not know but that I shall have to contradict myself. I stated the other day that if my amendment was not acceptable to the Senate I should still vote for the bill. I told the worthy chairman of the Committee on Public Lands, this morning, that I doubted very much whether I ought to do so. And, under the feelings which have been inspired by the speech of my friend from Georgia, I really feel almost disposed to retract my former assertion that I intended to vote for the bill in any event. I feel a sense of the injustice which has been practised toward the old States to such an extent, that I do not know whether, if something like justice is not done to my own State, I can vote for the bill. I therefore hope that the question will not be pressed at this late period of the day, but that it may lie over, in order that we may all think about it, and that, as the speaking is pretty well over, when we meet again we may be prepared to take up the bill and vote upon it. There is no immediate necessity for acting on the bill now.

The further consideration of the bill was postponed.

For the second session of the Thirty-Second Congress, from first Monday in December, 1852, to 4th March, 1853, the author has no reported proceedings; and he is therefore unable to give a synopsis of the discussions in which Mr. Dawson engaged or the measures he introduced in that session.

In April, 1854, a bill was before the Senate, introduced by Mr. EVERETT, to recompense the discoverer of practical anæsthesia, which had been referred to the Committee on Military Affairs, and amended in committee by inserting the names of William T. G. Morton, Charles T. Jackson, and Horace Wells, as the probable discoverers, and by filling a blank in the bill relative to the amount to be paid with the sum of one hundred thousand dollars. The report* says that

* Cong. Globe, vol. xxviii. part 2, p. 943.

The bill, as amended, recites that a discovery has been made, and is now in practice, whereby the human body can be rendered safely insensible to pain in dental, surgical, and obstetrical operations, by the use of what are commonly called anæsthetic agents, and the Government of the United States has been and is in the enjoyment of the discovery, in the military and naval service; and that it is believed that the discovery was made by some one of the following persons,—William T. G. Morton, Charles T. Jackson, each of Boston, and Horace Wells, of Hartford, deceased; but it does not appear to the satisfaction of Congress which of these parties was the original, true, and first discoverer thereof; and, as Congress is willing to provide a recompense for such discovery when ascertained, it proposes to appropriate \$100,000, to be paid by the Secretary of the Treasury as a recompense for the discovery and the use and benefit thereof by the Government and people of the United States.

The following conversational remarks transpired in the Senate:—

Mr. DAWSON. I regret that I failed this morning to bring up some papers connected with this subject. I wish now to ask that the further consideration of the bill be postponed until to-morrow, in order that I may produce those papers. I have in my possession a letter from Dr. Jackson and one from Dr. Long, of Athens, in the State of Georgia, on this subject. Dr. Long is a very young man; but he commenced his practice as early, I think, as the year 1843, and has, therefore, been over ten years in the profession. The evidence which I have will, I think, establish the fact beyond controversy, that this young man applied this discovery in the same form in which it is said to have been applied by one of the three individuals mentioned. I have forgotten his given name, or I would propose to insert it in the proper place.

Mr. EVERETT. It is provided for by the general provision allowing all persons to come in.

Mr. DAWSON. I know that; but I wish Dr. Long to stand among the four named in the bill as one of the individuals who, in all probability, made the first discovery. Perhaps it would be sufficient to put in Dr. Long, of Athens, Georgia.

Mr. WALKER. I will state to the Senator from Georgia that I heard of this gentleman, and procured of Mr. HILLYER, of the House of Representatives, his name, and I thought I had it in my pocket; but I have lost it. The terms of the bill, however, are broad enough to embrace him.

Mr. DAWSON. But I wish to have him distinctly mentioned in both sections. I move, therefore, to insert the name of "Dr. Long, of Athens, Georgia," in every place in the bill where the names of Dr. Jackson and Dr. Morton occur.

The amendment was agreed to.

On the 20th April, 1854, Mr. DAWSON addressed the Senate as follows:*

MR. PRESIDENT:—During my recent absence from this city, resolutions were transmitted to me from the Legislature of the State of Georgia,

* See Congressional Globe, vol. xxviii. part 2, p. 955.

through the Executive of that State, which I did not intend, nor think it necessary, to submit to the Senate; but, as I am instructed to do so, in consequence of the oft-repeated presentation of petitions on the subject of slavery, I beg leave to present them.

They set forth that the State of Georgia, in solemn convention, had firmly fixed herself upon the principles of the Compromise measures of 1850, relating to the subject of slavery in the Territories of the United States, as a final settlement of the agitation of that question, its withdrawal from the halls of Congress and the political arena, and its reference to the people of the Territories interested therein, and distinctly recognises in those Compromise measures the doctrine that it is not competent for Congress to impose any restrictions as to the existence of slavery among them upon the citizens moving into or settling upon the Territories of the Union, acquired or to be hereafter acquired, but that the question whether slavery shall or shall not form a part of their domestic institutions is for them alone to determine for themselves. Her present Executive has reiterated and affirmed the same fixed policy in his inaugural address. They therefore resolve:—

That the Legislature of Georgia, as the representatives of the people, speaking their will and expressing their feelings, have had their confidence strengthened in the settled determination of the great body of the Northern people to carry out in good faith those principles, in the practical application of them to the bills reported by Mr. Douglas from the Committee on Territories in the United States Senate at the present session, proposing the organization of a territorial government for the Territory of Nebraska.

And be it further Resolved, That our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to vote for and support those principles, and to use all proper means in their power for carrying them out, either as applied to the government of the Territory of Nebraska, or in any other bill for territorial government which may come before them.

Resolved, further, That his Excellency the Governor be requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

I present these resolutions. I do not wish to make any further commentaries on them, but simply to say that they are the decision of the representatives of the people of Georgia, in Legislative Assembly convened. I move that they lie on the table.

Throughout the session he maintained his habitual activity and devotion to his public duties, and frequently submitted his views, as the following subjects on which he addressed the Senate will show:—

1. The mission of the Papal Nuncio to the United States.
2. Refunding to certain railroad-companies duties paid on railroad-iron.
3. To enable the United States to make use of the solar compass in the public surveys.
4. The Nebraska and Kansas Bill.
5. To print additional copies of the Patent-Office Report.
6. For the publication of the Senate debates, and compensation therefor.
7. On the bill authorizing a large gold coinage.

8. On the bill for the construction of a railroad from the Mississippi Valley to the Pacific Ocean.

9. To authorize the extension of the Washington and Alexandria Railroad into the District of Columbia.

10. On the Homestead Bill.

11. Relating to the Lower California expedition against Mexico.

12. On the bill granting land to the State of Michigan for the construction of the Oakland and Ottawa Railroad.

13. On the bill granting land to the State of Louisiana for constructing a railroad from Algiers, on the Mississippi River, to the Sabine, &c.

14. To repeal the Minnesota Land Bill.

While the Homestead Bill was before the Senate, on the 20th July, 1854, he proposed an amendment, the nature of which may be seen by the official report:*

Mr. DAWSON. I then move to strike out the words "who may not be a landholder;" and my reason for doing so is this:—As I stated before, the whole of these public lands belong as much to one citizen of the United States as to another; and it is but equal and fair justice because A has been an industrious and thriving man, and has drawn around him the comforts of life, that he should be entitled to the same rights, at least, as the man who has been prodigal and lazy. The qualification placed in the amendment is to give to the landless; and the landless may be as rich as any man in the Union, for a millionaire in this country may not hold lands. Sir, when we are going to do justice, let us do it broadly, fairly, and honestly.

It is known to all that I am opposed to this giving away of the public lands at all; but, if they are to go, I am just as much entitled to my share as any man in the Union, and any man in the Union is as much entitled as I am. How is it that we undertake to specially legislate for individuals instead of the masses, and to lay down a discrimination and say that the landless, from improvidence, shall be preferred to the industrious man, because the latter has drawn around him the comforts of a home? Do you believe, gentlemen of the Senate, that the industrious, hardy people of this country will submit to such a regulation? Will any man feel that you are conferring a favor on him by the bill, when it induces the people to live in idleness, in carelessness, and indifference to industry? Shall we put men who are idle upon a more elevated footing than the industrious and persevering? Sir, when these things are known, the public mind will stand astounded at this special legislation, which is so incompatible with the equal rights of the people of this country.

Now, sir, it is seen by every gentleman that the mechanics of the country cannot go and occupy such a homestead. They are driven by implication, and by making a distinction against their occupation, either to go on the lands or not to receive the benefits of the bill. It says to

* Appendix to the Congressional Globe, vol. xxix. p. 1106.

the industrious classes who have nothing, "Here is a proposition; but, if you do not go on the land, you shall have no interest in the land."

In a few days after making this speech on the Homestead Bill, Mr. Dawson addressed the Senate, giving his views on appropriations of the public money to improve rivers and harbors,—a subject on which there is a great diversity of opinion among statesmen. The House of Representatives had passed a bill designating large sums for different localities, with the following provisions:—

The Secretary of War, before expending any part of the money herein appropriated, shall, in such cases as he may think the public interests require it, cause a re-examination and re-survey of the public works hereby appropriated for; and he is hereby authorized to modify the present plan if, in his opinion, the public works will be materially benefited thereby.

The following is an extract from Mr. Dawson's speech:*

When the bill came to the Senate I looked upon its passage almost as certain. I knew it had incorporated into it objectionable features; and I thought, sir, that conservative, constitutional men in the Senate would meet it with boldness and with firmness, and limit the power of the Government in making appropriations for rivers and harbors by some just discretion, if there be none in the Constitution for it. But instead of that, sir, all the objectionable features which would bring down the veto of the President of the United States on the bill are sought to be covered over, and the President is sought to be deprived by indirection, by an *ad captandum* movement, of the right of veto, upon the idea that he is so weak and so wanting in firmness and independence as to act on motives of expediency and leave the final decision to a future time. Sir, my confidence in the President of the United States is far above this. If his friends charge him with want of discretion, want of observation, want of capacity, by incorporating such a provision as this, I shall not do it. Why, sir, for the purpose of passing the bill through this body (which every one of them believes to be unconstitutional) they seek to divide the responsibility. And how do they do it? By first announcing to the people of this country that the Congress of the United States has not sufficient intelligence or information to act upon a subject of this kind. My friend from Michigan says that there is no other way in which they may know how to act; therefore he is for transferring the legislative discretion to an executive officer: and he says he will take the opinion of the Secretary of War in regard to the facts. We are to take the examination of the Secretary of War, and the Secretary of War is to regulate the power of Congress in the making of appropriations of money, for commercial purposes, for these rivers and harbors. We are to transfer that to the head of the War Department; so that Congress will be enlightened when the Secretary of War, at the next Congress, shall communicate to us his views upon the subject, with the facts he may have ascertained. How is he to ascertain the facts? Will it not be had by

* Appendix to the Globe, vol. xxix. p. 1160.

sending out engineers and officers to make surveys and estimates and lay them before him? and can we not act upon them just as well as the Secretary of War? Why, sir, it is an insult to this body and to the other branch of Congress to make such a proposition. For what do we have our engineers but for the purpose of ascertaining the facts? and if we stick to principle, sir, and vote for no proposition of this kind except upon proper estimates made upon the subject, there will be no necessity for this.

Now, sir, for a large proportion of this bill I am prepared to vote; but do we not see, have we not received from the President of the United States, honestly, as a man should act, an assurance that he would have sanctioned the Cape Fear River appropriation but for certain reasons expressed in his Message? In turning over and looking to this bill, we find in it an appropriation for the Appomattox River, which runs up to Petersburg, in Virginia, and which is not as wide as from my seat to the centre of the Senate-Chamber. The bill contains an appropriation of \$500,000 for that object. Could there be any difference in putting that out of the bill, if there are in this body any constitutional views in accordance with those formerly sustained by the Democratic party? Not a particle. And yet we are not to undertake to strike out such unconstitutional appropriations. But what do you undertake to do? Divide the responsibility—like a cuttle-fish in shallow water, who blackens it in order to escape—and try to throw it upon the Government. Why, do they not know that the President, in honor, would be bound to veto the bill? You cannot change it. The people will understand it. There is not a Senator but knows it. Whether the President has been conversed with for the purpose of adopting this plan, I cannot tell. I do not believe he has. The object is to wind round and get over the constitutional principle. And how do you propose to do it? By throwing the question of the constitutionality of the appropriation upon the head of one of the Departments, the Secretary of War.

Now, Mr. President, anxious as I am, for one, for the passage of many appropriations contained in this bill, I would never make myself an instrument or agent in getting through such an amendment as this. Whenever the Constitution is mandatory, and the representatives of the people fail to stand within its prescribed limits, I call for the President to exercise his veto, and not let Congress determine and plan the system for the purpose of undermining that sacred instrument. Sir, I look upon that amendment as an evasion, more than an absolute violation, of the Constitution; for by it we are sapping the foundation of the Constitution in a mode and manner unknown to the Constitution, and in time it will destroy the dignity of the Legislature and the independence of our Senatorial action. Of that there is no dispute. Now, what are we to do? The President tells you, like a man, "My conscience will not permit me to approve a bill of a character like this, because there are objectionable features in it. Send it back, knock them out, and I will signify my approval of it." No, you say, in the language of the Senator from Tennessee, (Mr. Bell:) there is a combination by which appropriations are put into these bills; but if you strike out one of them you destroy the whole bill: therefore, it is to get round this that such a proposition is made.

Mr. BELL. I said that all appropriation-bills were got through by a kind of compromise.

Mr. DAWSON. I stated you correctly. All bills are carried through by log-rolling: it is not on principle. Now, what is the reason? I ask the Senator from Tennessee why he cannot strike out the appropriation for the Appomattox River. Why cannot you do it?

Mr. BENJAMIN. Why does not somebody move it?

Mr. DAWSON. Why do not the friends of the bill, who are so deeply interested in it, move to strike it out? But the idea is to smooth over the entire arrangements and endeavor to avoid the veto. Now, the object that I have in view is to bring the matter right back to constitutional appropriations, so as to make the bill proper before the President of the United States. That is what I want to do; and I submit to the Senate and the country if this is not the constitutional and only proper mode of proceeding.

Mr. BENJAMIN. If the Senator from Georgia will move to amend the bill by striking out the objectionable features—if he will satisfy us that they are objectionable—I shall vote for it.

Mr. DAWSON. Everybody knows that I am opposed to these general appropriation-bills. I believe them to be unconstitutional. My views on the subject have been well expressed by a Democratic President of the United States; and I have fought side by side with the Senator from Michigan, (Mr. Cass,) upon the question of river and harbor bills, against my distinguished leader, Mr. Clay. And I did it upon no party considerations. I did it upon constitutional considerations. Such are my views. Everybody knows that I belong to the Whig party; but I never acted with them loosely on that subject. In speaking of myself, before the last Presidential election I had the honor of being at the Baltimore Convention when General Scott was nominated; and we put down our position as being in favor of appropriations for national objects, and left it to the sense of propriety and justice of Senators and Representatives here what would make it national. I know there is a great diversity of opinion in any one State. I have described them myself, and I thought every Senator had described them for himself. I am satisfied with the limitation placed upon it by the President of the United States.

The quotations given will suffice to show the method and ability of Mr. Dawson in debate. He was a vigilant Senator, watching the interests of the whole country. No constituents were ever served more faithfully in the various trusts committed to his charge. Though very attentive to what was passing, and restrained by no diffidence of character, yet he was not as often upon the floor as a number of other members less qualified to speak. As a matter of curiosity, the author* took the trouble to ascertain what names appeared most frequently in the proceedings, and he here gives the result. The figures in the table signify that the names mentioned may be found on an equal number of pages in the Congressional Globe for the first session of the Thirty-Third Congress, 1853-54.

* See article, "Chronicles of the Government and People of the United States," in the September No., 1855, (p. 286,) De Bow's Review.

TABLE REFERRING TO DEBATE, MOTIONS, &c.

IN SENATE.		IN HOUSE OF REPRESENTATIVES.	
	TIMES.		TIMES.
1. Hunter, Virginia.....	335	G. W. Jones, Tennessee....	703
2. Badger, N. Carolina....	254	Houston, Alabama.....	378
3. Weller, California.....	241	Orr, South Carolina.....	341
4. Shields, Illinois.....	202	Haven, New York.....	299
5. Cass, Michigan.....	190	Campbell, Ohio.....	266
6. Pratt, Maryland.....	185	Clingman, North Carolina..	256
7. Bayard, Delaware.....	183	Smith, Virginia.....	233
8. Douglas, Illinois.....	183	Richardson, Illinois.....	195
9. Rusk, Texas.....	168	Bayley, Virginia.....	173
10. Dawson, Georgia.....	144	Phillips, Alabama.....	123

While in the Senate, Mr. Dawson had for companions and co-laborers John C. Calhoun, Henry Clay, and Daniel Webster, statesmen of a world-wide fame. He had frequent opportunities of witnessing their great powers in debate and in the preparation of measures for the public good. With Mr. Clay he was quite a favorite, both possessing an urbanity of manner never surpassed, which made their personal relations still more intimate and agreeable.

On the 4th day of March, 1855, the public life of Mr. Dawson terminated with his commission as a United States Senator. He returned home to enjoy the society of his friends and neighbors and the respect of all parties in Georgia.

Here the author takes occasion to introduce several letters which he received from Mr. Dawson, as proof of the friendship of that gentleman. Their acquaintance began in 1828. That the letters were entirely private can be no objection to them. Had they been intended for the public eye, they would in all probability have been more artificial, and the less valued on that account.

TO STEPHEN F. MILLER.

GREENSBORO, July 2, 1832.

MY DEAR SIR:—Will you be so kind as to inquire for a Mr. —, of Twiggs, and if you can find him please see him, and inquire of him how much he gave for the land he purchased of the executors of —, and write me forthwith? If you cannot see him in a day or two, go to the Clerk's Office, and examine for the deed from the executors of — to —, or any one else. I want the information by the 10th instant. Please attend to it for me, and I will kindly reciprocate the favor.

In great haste, sincerely, your friend,

WM. C. DAWSON.

TO STEPHEN F. MILLER.

WASHINGTON CITY, March 10, 1853.

MY DEAR SIR:—The documents of the last session of Congress are just being completed—printed: hence my delay in sending you, according to

your request in December last. I have directed all mine to be sent to Greensboro. I am, and have been, unable to attend to my friends, in consequence of excessive pain from a felon on my right thumb for several weeks. I am now writing without the use of my thumb. Now, my friend, so soon as you receive this, write to me at Greensboro, reminding me of my promise to send you a copy of all.

Your friend,
WM. C. DAWSON.

TO STEPHEN F. MILLER.

GREENSBORO, July 8, 1853.

MY DEAR SIR:—Your letter has not been answered, because it came during my “absent days” on a visit to the great West, where I have been about two months, *doing* some important *private* and public business, and playing the agreeable.

To-day I send you the “Constitution,” a suitable book for reference; you will be pleased to have it. It will be followed by documents, as soon as I catch up with my correspondence, which is awfully behind, accumulated during my absence. I wish you could see what is before me. You would pity and help me. But S. F. Miller shall not be forgotten, if he will only continue to write me friendly and amusing letters and things as kindly as he always has done; and I beg him to remember that W. C. Dawson is the same man precisely as he has always been, and as full of laugh and fun as he ever was, and likes old friends better than ever. So make no apologies to me, but fill your letters with fun most freely, and with any thing calculated to make me feel comfortable, or laugh,—if it even be at myself.

By-the-by, begin by letting me know how Jenkins goes about you. He gets nearly everybody in these parts. You may also inform me how Dawson *stands* as Senator: and are the people for his re-election? About here the men and the women are all for him. He would like to hear from you. I know he is sanguine of success, especially if his friends will take an interest.

Thermometer 96, coat off, and it is too hot to think. Dry, and crops distressingly bad; and I already begin to fear the next year will be a hard year generally throughout the State. My own crop is fair, but it is not good. My health is very good.

Your friend,
WM. C. DAWSON.

TO STEPHEN F. MILLER.

WASHINGTON CITY, January 15, 1854.

DEAR SIR:—A most beautiful day out; but my head aches, so as to keep in-doors. Still, you see, I am writing, endeavoring to reduce the bundles on my table, which constantly remind me what *has yet* to be done. But, as you said in your letter, “look up; be cheerful as ever:” so here goes.

I will send you the proceedings on the Vice-President’s death, when published. I cannot find the proceedings on Mr. Calhoun’s and Mr. Clay’s death. Should I *at last* succeed, I will send them.

I wonder if you would like to have a copy of the Census? That you

will not get until it is bound, and you write me a letter full of news and fun. Is my old friend William Y. Hansell* in your city?

Stephens is better, and Dawson quite well, except the headache cold.

Your friend,

WM. C. DAWSON.

TO STEPHEN F. MILLER.

WASHINGTON CITY, February 22, 1854.

MY DEAR SIR:—As it is the 22d day of February, and the ground covered one foot six inches deep with snow, I feel rejoiced that Washington was born,—consequently grateful. The snow makes me cool. Under such influence I choose to answer your provoking, amusing, cunning, skinning, complimentary letter. Because you have had your fun with Livingston, is that any reason why you should “poke it” at me, reminding me of what has been done for me,—as much as to say, you “old fogey,” I have heard of you for the last twenty years? Why did you not speak of my military services,—the dangers I have passed, the sufferings I have undergone, to protect my country? Why, sir, you do not know that at least *one* day out of *six* I was without “a cup of coffee” for breakfast, compelled to satisfy my appetite with nothing but bread and meat, and perhaps a little chicken? Notwithstanding all this, I still kept afloat the flag of my country, and you fail to think of these sufferings when telling me what has been done for me.

And to tell me not to murmur “at public ingratitude,” you letter-writer, you dyspeptic, “you cigar-destroyer,” you writing critic, biographical sketcher, and cynical philosopher. “But I will keep my temper,” and, if you don’t mind, I won’t send you any more documents: if you don’t behave, I won’t do it, nohow: see if I do. You want the Census. I will send them to you. When you get *them*, I hope you will be sufficiently enlightened to do justice to one of the soldiers of your own State, who was defending your liberties and rights whilst you were gently and securely sleeping, or basking, “in the sunshine of security.” Don’t you feel that you have done me great injustice? Tell me “not to murmur”! Who cares that I was turned out of the Senate? I don’t. But to have my military services forgotten by you, how can I stand it? You must come out in your next letter to me and apologize. If you don’t, you must suffer the consequences.

Now, as to that letter to Livingston. Don’t become vain, my young friend: it was here before you sent it. Did you suppose that nobody could find out that that letter was a good thing before you told them? Suppose you did write it: why, it is just as fine as if written by Junius. Why, Senator —, with the “Southern Standard,” printed in Charleston, in his hand, brought it to me, saying, “Dawson, do tell me who wrote this letter. I want to know the man: it is the best thing I have read for many years. It is very excellent.” I read it, and found it out, and saw that it was a fine specimen, for style and sarcasm: (you see I put the *h* to make the word keen,—do you perceive?) Junius to the Duke of Grafton.

* Much of the time that Mr. Dawson was Clerk of the House of Representatives, Major Hansell was Secretary of the Senate; and each, no doubt, delivered a thousand messages, with the usual formalities of communication, between the two Houses. Besides, they were intimate personal and political friends.

So you see, my letter-writer, some people can find a clever thing as well as others, although you did—I had a great mind to tell you of it, because you said nothing about my military services,—so I had. But, 'cause you behaved bad, I won't.

Mr. — has kept the letter, of course charmed with the hidden wit, sarcasm, &c. I spoke of you as a promising young man,—the one to whom Mr. Clay wrote the Tuscaloosa letter about slavery, Texas, &c. Being about my own age, I knew you were comparatively but “an old boy.” Your reputation is rising,—no dispute of it; and there are solid reasons for it. You have a good platform, but not calculated to make one popular with the “distinguished gentlemen” rendered immortal by Livingston's Biographical Sketches. “Think of that, Master Brooke.” I will keep this “in pickle” for you, and if you don't “treat me well,” you sarcastic epistolatory skinner, I will put it at you.

The aforesaid letter shall not die: it shall be published again for the good it may do. Is that right? I have written in a hurry, in good humor, if nothing else: so write to me.

I take the liberty of subscribing myself your friend; but it will injure me if known.

WM. C. DAWSON.

TO STEPHEN F. MILLER.

WASHINGTON CITY, January 21, 1855.

MY DEAR SIR:—Mrs. Dawson enters, and says, “Judge, why are you writing letters on Sunday?” “Why, dear, young Dr. Miller, the son of an old friend, wants the post of assistant surgeon in the navy, and has written me for a letter recommending him as such, to accompany his application, and I must send it off to-day.” The letter being written, folded, and sent off, and I begin to write another letter, Mrs. Dawson says, “Why don't you now stop? Who is that to?” “The father of Dr. Miller.” “So violate the Sabbath just to gratify the Millers!” “Yes, the *old man* is grumbling terribly: here are three letters he has written in one day.” “What does he want?” “Documents, books, speeches, pamphlets, &c.” “Well, do send him some. But does he read them?”

Then I was *stopped*, but said, “I suppose so.” So look out for what shall come. I shall send you the “Criminal Codes of Europe,” to remind you that “crime exists,” although you may have forgotten it, and to let you know it is a crime for you to make a “married man” work on Sunday for you, to keep you from scolding so outrageously. I wish it was in my power: you should read every document I send to you. But I will soon be out of Congress, (oh, ho!) then what will such “Grumbletonians” as you do? Won't you *miss* Dawson? Yes, you will; and I don't care if others do, “confound them.” They behaved so naughty; and now write to me, and say how sorry they are that “*my* services are to be lost to the country,”—as if it was my fault! I will “pester them fellows yet:” see if I don't.

What do you think? At least a *dozen*—yes, a full *dozen*—of good, old-fashioned Democrats have written to me that they want me to be Governor, (whew-ew!) and say, “Tea and Coffee” won't hurt me any more. “Now, did you ever?” But it is all well enough to hear “these sayings” just about the time I am about to depart this life politically, perhaps forever. Oh, what an ungrateful world this dirty ball is,—is it not? Only think, the money, the blood, the sleepless hours, the mud and dirt I have been

in for my country,—spent, spilt and lost; and then—oh, then—think what is to become of me,—“just think of it,” and look at me, as happy as a Christian, with an amiable wife by my side, patting my cheeks—yes, my cheeks: I have cheeks yet—and saying, “How happy we shall be when you get out of Congress, and get rid of answering that big pile of letters, and doing so much work night and day, enough to kill a *common* man, and then to get no thanks for it, but to be called an ‘Old Fogie,’ when you are as young as the best of them and can do more work than anybody! Who wants your place? But who cares? I don’t: do you?”

We have but little news here. I shall leave the Senate without any personal regrets, and I suppose the world will not be shocked by it. Still, I can but think some persons in Georgia will regret it.

Mrs. Dawson is blessed with great equanimity of temper, and looks on political honors generally as bubbles, empty things. But patriots—such men as you and I—think them something. But enough of this. Write me the Georgia news.

Your friend,

WM. C. DAWSON.

TO STEPHEN F. MILLER.

SENATE-CHAMBER, January 30, 1855.

MY DEAR SIR:—What do you mean? Do you want to quarrel, sending me scraps from newspapers, to “fret me,” to make me desire—what? Do you know? Do you mean to put me into “harness” again? Why don’t you talk plain, and let me know? You confuse me,—make me feel “aspirations” when you know I have never felt them. Don’t you know it? Don’t you say you don’t. If you do, I shall call you a “Know-Nothing.” Your “scrap” is quite complimentary, and I have come to the conclusion to let it pass, thinking you did not intend to give cause “for pistols and coffee for two;” for I don’t want to travel away just now, as I shall at least hereafter be useful to myself, and perhaps to you.

Democracy is in a “muss,” and so is Whiggery. What will be the result, I can’t tell. In the confusion Georgia had a chance for a trump, and, if the game be “three up,” may turn a “Jack;” and if Georgia can hold “low” and make the game, she will be “out.” And so will I be “out” on the 4th of March, and in the ranks of the “rank and file,” and shall take my position in line according to “height,” and obey the “drill-officers,” unless I shall be considered “muster free” or placed on the “retired list.” But, having been dreadfully injured “in the battle of Milledgeville,” in January, 1854, am I not, by the laws of Georgia, entitled to a bounty! But who cares? If the old soldiers’ bill passes Congress, I will receive a land-bounty, and will have a “homestead,” an old soldier’s home. Think of that, “Master Brooke,” and poke no more of your fun at me.

I find the only way to keep you at peace with me is to feed you with “documents” until you get dyspepsia. I will soon bring you to that: see if I don’t.

Now, my dear sir, come to business. Write me fully and freely the condition of things politically in Georgia. How are the people divided? I see I am charged with being a “Know-Nothing.” This is caused by my speech against conferring the honors of the Senate on Father Matthew, which had never been done upon any American divine or temperance-man; by my speech against Kossuth, and refusal to stand up, with hat off, when he and his baboon suite were introduced into the Senate, (Judge Berrien

did the same thing,) and by my various speeches against giving the public lands to foreigners upon terms more favorable than to native citizens. Now, if these views make me a "Know-Nothing," I am one without knowing it. I don't care if it does. It comes by pursuing my principles.

I have been "baptized" into no confessions, and as yet admitted into no political church; but it seems I am a Christian,—at least judged so by my acts and independent political course. In the same way I may be called a "temperance-man," because I never "drink to hurt,"—only enough to make me agreeable and feel comfortable. Now, shall I grumble when I am called a "temperance-man?" No, I won't.

I am only writing to amuse you, whilst my old friend, General Cass, is making a "Buncombe speech," and saying he is no aspirant, &c.

My health is firm, hair on the head, and my whiskers black, all native growth and no black mixture required to naturalize them. Hem! Some call me "a young filibuster;" but when I pour out my conservative notions, some chap cries out, "He is an old fogie." Upon the whole, like Webster was at one time, I have to exclaim, "Where am I to go?" The Georgia Legislature has decided the question:—"Go back to the post of honor, a private station." I obey, and shall comply in a few weeks with the decision, pay up the costs, and settle the case. Now, what have you to say? Say it.

Your friend,

WM. C. DAWSON.

TO STEPHEN F. MILLER.

SENATE-CHAMBER, February 19, 1855.

MY DEAR SIR:—The' lightning I see: the thunder will be along presently, no doubt. Having escaped the flash, the noise will not alarm me, as I anticipated it.

Now, my dear sir, as I have an immense number of letters to write, and my imagination is sleeping, I will postpone a full reply to your quizzical letter until I have an opportunity of "lounging it out" with you,—which, I hope, will not be long. But I will say that Wm. C. Dawson has come to the conclusion that he will be placed on the "retired list." Although a young man, the severe wound he received in the Senatorial battle of '53 in Milledgeville has impaired his usefulness, and the country will not feel much disposed, I apprehend, to call him again into service.

What do you think of it? People will sympathize with a "dying man," whether he is about to depart naturally or politically. I shall file no injunction; but my down-hill tendencies may run their course, and by that time I shall consider the policy of spelling up again.

But we are now on "that monstrosity," the Pacific Railroad Bill, and I must say a word or two. I am in fine health, looking young and cheerful, anticipating sunshine the remainder of my life,—in public or in private life. I will not say a word about my new partner, who is in all things what she ought to be.

I promise "to pounce" on you when I meet you. Your friend, who thanks you sincerely for your very pleasant and amusing letters, &c. &c.

WM. C. DAWSON.

These letters afford evidence of the playful disposition of Judge Dawson,—of the goodness and simplicity of his heart. If all that

he has written to his friends in a similar vein could be collected, they would form a volume of elegant, provoking humor. The memory of such a man, of such endearing qualities is pleasant, yet mournful, to the soul of friendship.

His public life has now been traced to its close, and it was too soon that his mortal career also terminated. Suddenly, and with only a few hours' warning, this distinguished patriot and friend of his race departed this life at his residence in Greensboro, on the 5th of May, 1856.

The announcement took the country by surprise, and melted all hearts. Telegraphic despatches gave the afflicting event the widest circulation. The press everywhere noticed it in terms suited to the standing of the deceased,—of respect for his character and sorrow for his death.

A brief notice of his family will be given. The first Mrs. Dawson died in 1850, leaving a number of children. Judge Dawson remained a widower until November, 1854, when he intermarried with Mrs. Eliza M. Williams, of Memphis, Tennessee.

His eldest son, William Reid Dawson, died while a student at the University of Georgia, in the junior class. The second child was Henry Mounger Dawson, who died at the age of three years. The third is George Oscar Dawson, at this time a lawyer resident in Greensboro, and who has frequently represented the county of Greene in the Legislature. His fourth child was Henrietta Wingfield, now the wife of Joseph B. Hill, of Columbus; the fifth is Edgar Gilmer Dawson, a lawyer, also residing in Columbus, who married the only daughter of the late Dr. William Terrell, of Sparta, so honorably known to the public as a former Representative in Congress,—one of the most intelligent agricultural writers of his day,—a man of great wealth, out of which he established a professorship in Franklin College. The Legislature named a county after him, as an acknowledgment of his generosity and public spirit. The sixth child of Judge Dawson was Emma Caledonia, who married Edward W. Seabrook, of South Carolina, the nephew of Governor Seabrook of that State. The seventh is Lucien Wingfield Dawson, a lawyer residing in Greensboro, who married Eliza, daughter of George Dent, of Athens.

A son* of Judge Dawson (to whose courteous reply to a letter on the subject the author is indebted for the family-record given) thus speaks of his father:—

* Edgar G. Dawson, Esq.

I see that the Masonic Fraternity are preparing and arranging to raise a monument to his memory, and to establish a "Dawson Professorship" in the Masonic Female College.

My father was very liberal in his donations to such institutions,—always active in the cause of education. As you are aware, he was eminently social,—was remarkably fond of the chase,—always kept a fine pack of fox-hounds, the fleetest in the country, as he spared no expense in procuring them. He was the best horseman I ever saw, and surpassed all his companions in his exploits upon the field with his horse and hounds. I have frequently seen him from daybreak until nightfall in the chase, (of the red fox, the fleetest and most enduring of the species,) and then return home and work until twelve or one o'clock in his office. I think he was one of the most industrious men I ever knew, and at the same time the most social.

He made companions of his children, and never failed to have them with him, when not inconvenient to do so,—upon the circuit, at Washington, in his travels, upon the plantation,—and seemed delighted, in the chase, to see his sons well mounted, contesting with him the palm of horsemanship in leaping fences, ditches, and in keeping nearest the hounds in full pursuit through woods and fields.

* * * * *

A few months prior to his death he wrote me:—

"I shall return to the practice with all diligence in the spring, and have nothing to draw my attention from it, and shall expect to be pointed at in a short time by the people and have them say, 'There is a rising and promising young man who will soon make his mark at the bar.'" He always contended that he was never over thirty years of age, and that he was as able and active at fifty-eight years of age as at thirty-eight.

The employments Judge Dawson held, in all of which he acquitted himself usefully to the public, may be stated:—

1. Clerk of the Georgia House of Representatives twelve years.
2. Compiler of the laws of Georgia from 1820 to 1830,—the last publication in the quarto form.
3. Representative in the State Legislature.
4. Senator in the State Legislature.
5. Captain of a volunteer company in the Creek War of 1836.
6. Representative in Congress from 1836 to 1841.
7. Judge of the Superior Court of the Ocmulgee circuit.
8. Senator in Congress from 1849 to 1855.*

While in Congress, he was placed on committees of much labor and responsibility, and, as chairman, had frequently to report evidence and the result of his investigations. Just before he retired from the Senate, the citizens of Washington, through the mayor and aldermen, presented him a silver pitcher, or with a pair of richly-chased silver goblets, with inscriptions signifying

* Judge Dawson presided at the great Memphis Convention in 1853.

their gratitude for his services in behalf of the city as Chairman of the District Committee. The ceremony of presentation was noticed in the papers at the time.

As a member of the Masonic Fraternity, Judge Dawson had reached the highest elevation. Of the two hundred subordinate Lodges in Georgia, perhaps there were but few, if any, which did not drape their rooms in mourning and pass resolutions of sympathy and honor on account of his death. Such an instance of universal grief, of such genuine outpouring of the Masonic heart, is not to be found elsewhere in the annals of the Order. The extracts which follow, from the Proceedings of the Grand Lodge of Georgia, at its Annual Communication in October, 1856, will show in what light he was held by his brethren:—

P. 10.—R. W. Deputy Grand Master Rockwell, in behalf of the committee appointed in the morning, under the resolution offered by Bro. A. W. Redding, respecting the death of our late Grand Master, WM. C. DAWSON, reported as follows, which report was read and ordered to be entered on the minutes:—

The committee appointed to prepare a suitable tribute to the memory of our late Grand Master beg leave to report:—

Whereas, It has pleased the Almighty Disposer of events to remove from our earthly temple to a higher and holier one, as we devoutly trust, our late Grand Master, Most Worshipful WM. C. DAWSON, who for thirteen years has presided over our deliberations, guiding them by his wisdom, controlling them by his firmness, and dignifying them by his manly and Masonic bearing. While we bow in humble submission to His All-wise decree, and acknowledge the solemn importance of the momentous truth that man is born to die, we deem it our Masonic duty to place on record a fitting testimonial of our affection for him as a brother and our deep and abiding reverence for his memory as a man. Therefore,

Be it resolved, by the Grand Lodge of Georgia, That in the death of our late Grand Master we have sustained a loss which human wisdom cannot measure. Our onward progress in prosperity has received a check which a close imitation of his bright example can alone enable us to overleap; our Masonic fabric is weakened by a breach of which the broken column among our mystic emblems will perpetually remind us; but the living sprig of evergreen which a Brother's hand has deposited with his perishable dust in the last home of all the living, with its symbolic teachings, triumphantly assures us that his undying spirit will live forever, as we cheerfully hope, in the realms of a blissful immortality.

Be it also Resolved, That this memorial to our late beloved presiding officer be inserted in a fitting place in the minutes of this Grand Communication.

P. 13.—From the report of R. W. Deputy Grand Master GAULDING:—

On the 7th day of May, having been informed of the sudden death of our worthy and honored Grand Master, Wm. C. Dawson, I hastened to the village of Greensboro for the purpose of attending his funeral.

Being the senior officer of this Grand body present, it became my mournful duty to conduct the solemn ceremonies. In this I was assisted by Worshipful David E. Butler, Senior Grand Warden, being the only other Grand officer present. At 3 o'clock P.M., San Marino Lodge convened in their room, together with a number of the Brotherhood from the neighboring counties of Warren, Hancock, Morgan, Taliaferro, Newton, Putnam, and other parts of the State. A procession in accordance with the usages of our Order was formed, and proceeded to the residence of the deceased. A strong desire being manifested by the people generally to behold for the last time the face of the honored dead, the procession, composed of hundreds, passed through the chamber, where he lay in an open coffin, and, with pensive eyes, looked for the last time upon him for whom, while living, they entertained feelings of so much kindness and respect. The remains were escorted to the Presbyterian Church, where an appropriate sermon was preached by the Rev. Mr. Axsom, President of the Greensboro Female College. The body was then conveyed to the village cemetery and deposited in its final resting-place, with the solemn burial-ceremonies peculiar to our Order. The occasion was indeed a solemn as well as an interesting one. Every person present seemed to feel the force of the sudden blow which had fallen upon the community and stricken down a strong pillar of our social fabric. To the Masonic Fraternity especially the scene was truly affecting, calculated to impress every mind with awe and fill each bosom with the deepest sorrow. Their beloved and honored chief, who had for thirteen years been to them as a father and a governor, was taken from them, and they were now left to look for a new leader, and search for a new object, around which the broken tendrils of their affections might be entwined. The interest of the occasion was materially enhanced by the presence of the faculty and about one hundred of the pupils of the Southern Masonic Female College. An appropriate position was assigned them in the procession, next to the relatives of the deceased and near the body of their Masonic father. The presence of these pupils was peculiarly appropriate. They are the members of an institution under the immediate control and patronage of the Grand Lodge of Georgia, at the head of which had so long stood our illustrious brother. This school was with him an object of deep solicitude. It was his delight to speak of the pupils in the affectionate relation of daughters; hence, it was peculiarly fit and proper that the children should follow to the grave the remains of a fond and loving father. It was a sight upon which angels might look down with admiration,—to behold one hundred young ladies, all dressed in robes of spotless white, the chaste emblem of innocence and virtue, marching with solemn tread in the funeral procession of their friend and benefactor. While the vast number of Brethren present surrounded the grave, forming the mystic chain peculiar to our burial-service, these young ladies were alined within the large circle in the form of a crescent, thus symbolizing the invisible bulwark which Masonry rears around female weakness, virtue, and innocence.

I have thus briefly and imperfectly sketched an outline of the solemn obsequies of a distinguished man and an illustrious Mason. William C. Dawson is dead; his mortal remains now slumber in silence beneath the sod, but his memory, like the evergreen, symbol of immortality, shall continue to flourish in perpetual verdure in the remembrance of a grateful people and in the hearts of a trusting and affectionate brotherhood.

P. 25. From the report of the Right Worshipful Deputy Grand Master A. HOOD, of the First Masonic District:—

It would seem needless to remind you, my Brethren, that since our last Annual Communication, Death, that fell destroyer, has been in our midst. All our hearts feel the sad and melancholy bereavement we have sustained in the death of our much-beloved Grand Master, WM. C. DAWSON. Our Grand Master's chair, which is now temporarily filled by one of your chosen substitutes, the absence of that Brother whose cheerful countenance and urbane manner lent a charm to our Annual Convocation, remind us of our sad bereavement, and teach us the sad but truthful lesson that "in the midst of life we are in death," and "that we know not the day nor the hour when the Son of man cometh." To us he was indeed a friend and a brother. Who of this Grand body whose privilege it was to have met with him here year after year, as it were in our annual *love-feast*, but feel the sad loss we have sustained? While dwelling on our loss we should endeavor to recall the many excellencies of character which endeared him to us, and that secured our respect and affection while living, heartfelt tears at his death, and a memory precious to all who esteem goodness so thoroughly manifested and so purely preserved. He was indeed happily constituted. Of manners gentle, of affections mild. His manner and heart won that confidence that was never forfeited, his goodness and greatness that love and affection that was never lost or impaired.

P. 52. From the address of the Most Worshipful Grand Master of New York, JOSEPH D. EVANS:—

In a communication recently received from the R. W. Wm. S. Rockwell, Deputy Grand Master of Georgia, was conveyed the melancholy intelligence of the death of the Grand Master of that State, the Most Worshipful the Honorable William C. Dawson. His death will not only be felt by the Craft in that jurisdiction, but the whole country will sympathize with them in his loss. He was a zealous Mason, a true patriot, and a highly honorable and noble statesman. For years he had been Grand Master, and for years a member of the United States Senate, representing Georgia. In both of these prominent positions his amiability and wisdom won for him the esteem and respect of all his peers. He had a strong hold upon the affections of his brethren, and was beloved by all who knew him. But he has gone to his eternal home. His spirit has fled to God who gave it; but his memory will remain deeply impressed upon our hearts, to flourish there as the green bay-tree. Thus for a brief period do our bright lights display their effulgence in sparkling and glittering rays, and then pass from us forever.

The official circular of the Deputy Grand Master, communicating the sad intelligence, was afterward read by the Grand Secretary and referred to a special committee, who reported the following resolutions:—

Resolved, That the Grand Lodge of New York has heard with emotions of heartfelt sorrow of the decease of the M. W. and Hon. Wm. C. Dawson, the Grand Master of Georgia, alike distinguished for his ability and patriotism as a statesman and as a wise and accomplished Mason.

Resolved, That we sincerely sympathize with our Brethren in Georgia in the loss of one who has added wisdom, prudence, and energy to their counsels, who gave additional lustre to the distinguished station he has so ably filled, and whose fame and memory will not only be cherished by the

Brethren of his State, but is the heritage of the Craft throughout the Union.

Resolved, That the R.W. Grand Secretary transmit a certified copy of these resolutions to the M.W. Grand Lodge of Georgia.

P. 77. Bro. H. P. BELL, from the committee appointed in relation to the erection of a monument over the grave of our late deceased Grand Master, Wm. C. Dawson, made a report, which was amended and adopted as follows:—

The undersigned committee, to whom was referred the resolutions submitted to the consideration of the Grand Lodge by Baber Lodge, No. 123, and San Marino Lodge, No. 34, in relation to the erection of a marble monument in memory of our late lamented Grand Master, Hon. William C. Dawson, and also the resolution in relation to the procurement of a portrait of our deceased Grand Master, to be placed in the East of the Grand Lodge hall, have had the same under consideration; and respectfully submit,—That his eminent public services, his resplendent virtues as a citizen, and his unswerving devotion to the tenets of our cherished and time-honored Order, and the elevated position which he so long held and so nobly adorned as Grand Master of the Grand Lodge of Georgia, all conspire to render it proper that we should perpetuate his memory and virtues in some enduring and substantial manner.

Therefore Resolved, That the sum of \$1200 be, and it is hereby, appropriated by the Grand Lodge, out of any funds now in the treasury not otherwise disposed of, to be expended in the erection of a suitable monument (of white marble) in memory of the Hon. Wm. C. Dawson, deceased, late Grand Master of the Grand Lodge of Georgia, and that the treasurer is hereby authorized to pay the same to a committee hereafter to be appointed to superintend the erection of the same.

Resolved, That a suitable sum be, and the same is hereby, appropriated to be expended in the procurement of a lifelike portrait of our deceased Grand Master, to be placed in the East of the Masonic hall of the Grand Lodge of Georgia.

A committee to carry out the object of the above report was appointed by the M.W. Grand Master, consisting of Brothers H. P. Bell, Y. P. King, R. A. Lane, Wm. Cox, H. Greene, L. H. Featherston, and D. E. Butler.

The members of the bar at various courts gave expression to their feelings on the occasion. The proceedings of the Supreme Court of Georgia, held at Macon, June Term, 1856, are of record:—

Upon the opening of the court, the Hon. E. A. Nisbet, formerly one of the judges, announced the death of Hon. WILLIAM C. DAWSON as follows:—

MAY IT PLEASE YOUR HONORS:—It is proper to arrest the business of the court, and, standing around the grave of a deceased brother, contemplate for a few moments the virtues which ennobled his character. It is a matter of serious thought and of painful interest that, within a short period of time, we have been called to bury so many of the distinguished members of the bar of this court. The brilliant and almost faultless Charlton; the strong, honest, upright, and independent Dougherty; the eloquent, accomplished, and profound Berrien; Judge Colquitt, the earnest, ardent, impulsive, and generous man of genius, and the accurate and learned Miller. Nor are these all. Others have died within a short period

of time not undistinguished or wanting in merit. Now we add to the list Judge DAWSON, who recently departed this life at his residence in Greensboro. They are all beyond that bourne whence no traveller returns. They are silent, yet they speak: they are dead, yet they live in the record of their lives. It becomes us to profit by their virtues and to take the warning which their death affords. We, too, are mortals. It is appointed unto man once to die, and then the judgment. Verily, until our time comes we are immortal, and when it arrives we are merely mortal. Archangels' arm cannot pluck us hence: legions of angels cannot hold us here. Occasions like the present are melancholy, yet they are not altogether painful. Even when we come to bury our dead there is a mixture of pleasure in the solemn service. It is our necessity to mourn their loss, but it is our privilege to rejoice in the achievements of their life. It is manly to weep beside the bier of a departed friend, and the tear that falls upon his grave meets, as it descends, a smile which, springing from the heart, mantles the face as memory traces his generous traits and noble deeds. The departed members of the bar are *never* dead. When in life they were our keepers and we their keepers. United in the bonds of professional brotherhood, linked together by habits of close association, accustomed to similar trains of thought and investigation, and holding in our mutual custody the honor of our class, the character and distinctions of each are the property to no small extent of all. And to each belongs the responsibilities of all. Are we not brothers? And when a brother descends to the tomb, shall not we rejoice in the good fortune of his life,—exult in the triumphs of his genius and learning, and emulate his virtues? Shall we not protect his fame and reputation, and watch around his grave as kindred guard the resting-place of their dead? The lesson taught us in the death of these eminent gentlemen is, that the ways of wealth and honor and social life—indeed, all the paths of glory—lead but to the tomb.

In relation to Judge Dawson, allow me to say that I have known him from my childhood, and, on account of my long and intimate association with him, I feel at liberty to speak with some confidence. I can but speak with sensibility, for he was my friend. When quite a child I met him at my first school,—a school taught by Rev. Dr. Cumming, in Greene county, in the neighborhood where we were both born. He was then a youth of some seventeen or eighteen years of age, with the stature of a man. A few years in advance of me when I came to the bar, he was, for a young man, in the enjoyment of a handsome practice. Living in the same circuit with him, I was in the habit, for twelve years of my professional life, of attending the same courts that he attended, and therefore saw a great deal of him. I was with him in the State Legislature and in the Congress of the United States. I saw him occasionally on the bench and was not unfrequently an inmate of his family. On the wayside, at village taverns, in the court, in legislative halls, among the people, in the highest circles of the Federal City, and under his own roof, surrounded with his family and friends, he was always cheerful, affable, genial, kind, and just. No one sympathized more promptly or more sincerely with the troubles or joys of others. His hand was always open to the claims of charity, and to public objects he ever gave an early and effective support. Under all circumstances he was a gentleman and an honest man. Is not that his highest eulogium? For what are talents, or riches, or honors, without those attributes which constitute the gentleman? The occasion does not warrant any elaborate review of Judge Dawson's character as lawyer, citizen, states-

man, master, husband, and parent. If it did, it would be no unpleasant or unprofitable task to undertake its elucidation. I cannot forbear, however, to say that, amid all the agitations of his political life, such was his amiable and upright bearing that he never forfeited the respect of his adversaries, and very often, indeed, secured their warm personal regard. He was a patriot. He loved his country,—his whole country. He was a thorough-working, practical legislator. In my poor judgment, he gave as few bad votes, whilst in the Senate of the United States, as any member of that august body. He maintained as stringently and as wisely as any other man the rights of his section, and was at the same time eminently conservative, looking steadily to the interests of the whole Union. But I will not detain you longer. His body sleeps beneath the soil of his nativity. May his character be ever a living presence among us!

On motion of Judge Nisbet, seconded by Col. H. G. Lamar, a committee, consisting of Hon. E. A. Nisbet, Col. Henry G. Lamar, Hon. Lott Warren, Col. Hines Holt, and Washington Poe, Esq., was appointed to report to the court suitable resolutions on Monday morning next.

Monday morning, June 30, 1856.

The Hon. E. A. Nisbet, chairman of the committee, made the following report:—

The committee appointed to report upon the death of the Hon. WM. C. DAWSON beg leave to submit the following resolutions:—

Resolved, 1. That it is a matter of serious reflection as well as profound regret that within a few years so many of the leading minds and beautiful ornaments of the profession have been summoned to the grave. Charlton, Dougherty, Colquitt, Berrien, Miller, and others, with startling rapidity have followed each other from the scenes of earth to the realities of eternity. The places that knew them—the bar, the bench, the Senate, the walks of private life, and their own firesides—know them no more. Still they live in the record of their virtues, in the memory of affection and of friendship, and in the recognition of their genius and learning. They were the guiding lights of this bar; and it is a pride and a solace to know that, though dead, they yet speak. To this brilliant list of departed worthies it is now our painful duty to add the Hon. WILLIAM CROSBY DAWSON, who died at his residence in Greensboro, in the month of May last.

2. That whilst we rejoice that our brother died in the full vigor of his faculties, bodily and mental, before age had impaired his capacity either for enjoyment or for the duties of his high station, we mourn his departure at a time when those faculties gave promise of long usefulness to the State and the nation.

3. That we who knew him (and he was known to the bar and people of Georgia more generally as a familiar acquaintance than almost any man in the State) realize his removal from our social, political, and professional circles as a personal bereavement. And many, very many, beyond the limits of our own State have heard the announcement of his death with the most poignant anguish; for, to a greater extent than most men, he possessed the power of electing and securing the affection and esteem of all who had the good fortune of coming within the influence of his agreeable manners and genial spirit. Political rivalry and party struggles had no power to cool his friends, or to heat his adversaries. Men differed with and opposed, but at the same time loved and respected him.

4. That we testify that with industry, integrity, and honor he performed the duties of a lawyer; that with impartiality and ability he administered the law; that with fidelity and assiduity, with unconsciousness and efficiency, he executed the numerous public trusts to which he was called; and that we respect and would emulate those qualities of head and heart which raised him from undistinguished and not very propitious beginnings to Senatorial dignity, and there sustained him respectably among the greatest minds of the nation.

5. That he is chiefly to be admired for the amiable virtues of private life. His hand was ever open to the calls of charity; his means were liberally appropriated to the necessities of his relations; his house was the seat of a frank, free, and profuse hospitality; and in his family he enforced and obeyed but one law, and that was the law of kindness.

6. That these multiplying memorials demonstrate the inevitable certainty of death, and that neither wealth, nor honors, nor genius, nor learning, nor social position can for one moment postpone its advent, and that they impressively warn us also to be ready so that when called we may go in peace.

7. That these resolutions be entered on the minutes of this court, that they be published in the city papers, and a copy be transmitted to the family of the deceased.

To which Judge Lumpkin, in behalf of the court, responded as follows:—

Judge Dawson acted a prominent part in the State and nation for more than thirty years. He was one of two of the most efficient Senators of the Congress of the United States. He was the intimate and cherished associate of Clay and Webster, the trusted and confidential adviser of President Fillmore,—and thus distinguished and honored was no ordinary citizen.

But, after all, it is as a man that those who knew the deceased best will love to contemplate him. There was a daily beauty in his life which won every heart. He was benevolent, liberal, and charitable, in the best and broadest sense of those terms. His mansion was ever the home of the most elegant hospitality, and the invitation was, "Come one, come all."

The flatterers of George IV. of England were accustomed to speak of that royal debauchee as the "*first gentleman* in Europe." How much more properly might Wm. C. Dawson be held up to the imitation of all, and especially the young, as the first gentleman in Georgia! To the bar and the people his example in this respect has been of inestimable value. May it long be remembered!

While the deceased never forsook the political opinions which he first embraced, but retained his confidence in them to the last, he was nevertheless always remarkable for his moderation; and even by his political opponents no one in matters of personal delicacy and difficulty was confided in more.

Is not the death of such a man in the prime of manhood a great public loss? No wonder that a thousand mourners—collected, many of them, from neighboring towns—assembled to witness his funeral. His death stirred, apparently, the popular heart more than that of the great Troup himself or any other contemporary. The truth is that no one had more friends or fewer enemies.

The departure of such a man so suddenly severs so many ties, interrupts

so many delights, withdraws so many confidences, leaves such an aching void in the hearts of family and friends, and such a sense of desolation among associates, that, while we bow submissively to the divine decree, our griefs cannot but pour themselves out in heartfelt lamentations.

A true extract from the minutes.

ROB'T E. MARTIN,
Clerk.

Since the foregoing memoir was prepared, the author has received from the Hon. E. A. NISBET a communication which cannot fail to gratify the immediate friends of Judge DAWSON, as well as the public at large. Knowing their intimate personal relations of long standing, their service together in Congress, their practice at the same bar, the author applied to Judge NISBET for a sketch of his departed friend, to be used in this memoir. Before introducing it, the author takes this method of thanking Judge NISBET. A contribution of this kind from one who, besides having filled other high stations with talent and dignity, was eight years on the bench of the Supreme Court of Georgia, leaving in some fifteen volumes of reports the impress of his acknowledged genius, exact scholarship, and great legal ability, is of no common value; and, as such, it is with peculiar satisfaction given here as an

ADDITIONAL SKETCH.

“*Si quid loquar audiendum.*”—HOR. lib. iv. Ode 2.

I am very sure that this brief sketch of one of Georgia's best men will speak something worthy of being heard. Biography more than history is philosophy teaching by example. What men have done men may do again. Example is the living teacher. Obstacles overcome, impediments removed, competition mastered, wealth attained, and distinction won, are incentives to virtue and stimulants to effort. Errors corrected and vices eradicated are lights to guide and beacons to warn. Honor and fame, fairly achieved, stir the spirits of noble men to a generous emulation. Professional rivalry is one of the chief sources of professional greatness. One good and great man reproduces himself by acting upon that principle in our nature which constrains us to admire virtue and to emulate greatness.

There is something very beautiful in the rivalry of really great men: it is sometimes, indeed, a sublime spectacle. Take the career of two great lawyers for example,—the two Scotts, Lord Eldon and Lord Stowell. They were brothers in blood and kindred in genius. Their emulation was not one of interest, but for renown. Starting upon the same level, they ran an equal though divergent course. The triumphs of one but guaranteed the triumphs of the other. The glory of one reflected glory upon the other. The reputation of each was a joint possession. They ran abreast and together reached the goal. They entered the British peerage, and their names are immortal. Our own country affords illustrious instances of professional contests waged by the Anaks of the law,—contests far exceeding in interest the most gorgeous displays of imperial gladiatorship at Rome,—contests which arouse a city, command the criticism of the

press, enlist the sympathies of women, and attract the observation of a nation. Such an one was exhibited in the trial of Burr at Richmond. Such was the first trial of strength at Boston, between Mr. Wirt and Mr. Webster, in the case of Farnum, admr., *vs.* Brooks,—the former a Southern champion, armed with learning, eloquence, wit, and a national reputation, the latter an Eastern savor, ponderous in solid lore, brilliant in all the furniture of letters, an adroit rhetorician, and of peerless professional renown. This was a contest in which we are constrained to admit that the vanquished was no less a victor than he who conquered. It is a study for the ambitious young men of the Union. In contemplating, let them look deeper into it than the forensic scene will allow. Let them reflect how much of intense labor, how much of uprightness, and how much of elegant culture entered into the fitness of such men for such a struggle. Emulation of Hortensius contributed to make Cicero—who was the wisest and best of all the Pagan world—the foremost orator of all ages. Hortensius was, on account of his eloquence, called King of the Forum:—“*in fero ob eloquentiam rege causarum.*” Cicero wrested the sceptre from his hand and wielded it without a rival.

Now, I do not propose to place Judge DAWSON in the same niche with these immortal names. His position as a lawyer was far below theirs, albeit not wanting in elevation. His sense of truth and justice would, were he alive, be shocked by such a pretension. It is not necessary; since, without that, he was entitled to the respect of the world for virtues peculiarly his own, and for a position in itself distinguished. These reflections are germane to the purposes of this publication. Those purposes are to bring before the country the character of deceased members of the bar of Georgia; to illustrate the action of free government upon a profession which has more to do in its actual administration than any other; to demonstrate the fact that lawyers are the greatest of all the conservators of liberty; to inspire among the people a truer estimate of the professional character; to stimulate to honor, zeal, and industry that great body of men who aspire to the distinctions of the bar; and, further, to perpetuate those intellectual peculiarities and amiable qualities of heart which have so strikingly characterized the profession. It is sad to reflect that, whilst the profession of the law exacts the severest labor, demands the most profound learning and the most liberal cultivation, and evokes the most brilliant displays of genius, yet it affords no record, for the most part, of the greatness of its ornaments. We would catch the glory as it flies and fix it upon the memory of men. To this end we present an outline-sketch of the lamented Dawson.

WILLIAM C. DAWSON was born in Greene county, Georgia, of respectable parentage,—a county among the first settled in the interior, and which has given birth to more men of note than any other in the State. At the time when his parents settled in Greene it was a frontier-county. The Indians had not been removed from the western bank of the Oconee, and they, in common with others, encountered the hardships and perils incident to all early settlements in our Western and Southwestern States. Privations, self-denial, self-reliance, and courage were among their virtues and their experiences. I mention these things to show that Judge DAWSON sprung from a vigorous, sturdy stock, and claims nothing upon the score of birth and the aids which numerous friends, strong connections, and accumulated wealth bestow, in behalf of the honors which awaited

him. His parents were honest and frugal, "well-to-do" for that day, and appreciated the advantages of education so high as to bestow upon their son the best that the country could at that time afford. That they gave, and left him to become the artificer of his own fortunes. We shall see that he framed them well, and cut his way to the highest places in the State. His academic course was taken under the direction, first, of the Rev. Dr. Cumming, a Scotch-Irish divine of great learning and piety, and, afterward, at the county academy in the town of Greensboro. At an early age he entered Franklin College, the State university, and was graduated from that institution in 1816. Upon leaving college he entered at once upon the study of the law in the office of Hon. Thos. W. Cobb, at Lexington. With Mr. Cobb, who was one of the leading lawyers and politicians of the State, and scarcely inferior to any man in it for strength of mind and enlightened statesmanship, he remained about one year, when he entered the law-school at Litchfield, Connecticut, under the care of Judges Reeve and Gould, two of the most accomplished jurists in New England, and the best law-instructors then in the Union. Having taken a full course of lectures at Litchfield, he returned home and was admitted to the bar in Greensboro in 1818. There, in the county of his nativity, he opened an office and entered at once upon the labors of the profession. He came to the bar at a time when its honors and emoluments were severely contested. There were reapers in the field beside himself,—men of active, cultivated minds, ambitious hopes, and ardent, energetic purposes. By the time of Mr. Dawson's maturity the Ocmulgee circuit had become one of the best in the State. Its rich counties had filled with a wealthy and highly-respectable population; its social, business, and political advantages, together with the reputation of some of the judges who had presided over it, attracted to it the best talent of the State. It was then, and is yet, distinguished for the ability and energy of its bar.

To contend with such men was no holiday-sport; but our débutant girded himself for the struggle. With a joyous heart, a buoyant temperament, and a vigorous constitution, he buckled on the professional harness. Soon his clients began to multiply and fees to cheer his toil. He was not long in taking position in the first rank of the Ocmulgee bar,—a position which he always maintained with honor and also with profit. With liberal habits of living, his profession soon made him independent. He is yet another illustration of the fact that in our country the profession is the road to wealth and fame, and also that it is the mean by which the most salutary elements of character are made available in influencing the affairs of communities and nations. With the exception of the short period of time that Judge Dawson was on the bench of the Ocmulgee circuit, and of those longer periods devoted exclusively to politics, he was, up to the day of his death, a laborious practitioner. He may be said to have died in harness; for, after he became a member of the United States Senate, the recess of Congress was occupied with professional labors. At the latest period of his life he mingled freely, and with his wonted effectiveness and relish, in the contests of the bar. Like the mettled habitue of the turf, when he approached the field of his former struggles he incontinently took the course. This figure is not only apt as an illustration, but in harmony with his tastes, for he delighted in the sports of the turf and of the field. His hounds and blooded steeds were his subordinate pets. He loved the echo of the mellow horn, the dashing ride, the in-coming at

the death, and the festive glee that crowned the chase. Upon such occasions the dignity of the Senator gave place to the harmless *abandon* of the boy.

For many years all other things were subordinated to his profession. I will not say that he was born a statesman, but I should not err much if I should say that he was born a politician. Yet the necessities of his family and the wants of others more or less dependent upon him, acting upon his clear sense of personal obligation in his private relations, constrained him to hold in check his fondness for political life; and if at this early day he had visions of political glory, it was "distance that lent enchantment to the view." In connection with his professional life it may be remarked that in 1828, being then a young man, he was elected by the Legislature to compile the statutes of Georgia. This commission he executed to the satisfaction of the General Assembly and of the profession at large. In 1845 he was appointed by Gov. Crawford to fill a vacancy on the bench of the Ocmulgee circuit. When the Legislature convened, he declined being a candidate for the bench, and returned to the practice, influenced to this course, no doubt, by a desire to pursue the more brilliant career of Congressional life then opening to his view. Had he desired it, there can be no doubt but that he would have been elected to the bench, and that without opposition from his own party, then in the ascendant in the Legislature. The term of his presidency over the Ocmulgee circuit was short, and, as the opinions of the circuit judges are not reported, he has left no record of his judicial mind. His manner upon the bench was patient, urbane, and frank, his intercourse with the bar always pleasant; and into this service he carried those habits of industry which have characterized him everywhere. Wherever he has been placed, he has been a working-man. A large professional experience, a clear, strong sense of justice, unimpeached and unimpeachable honesty of purpose, and assiduous attention to every thing appertaining to his office, combined to give to his administration such a character of fairness and consistency and efficiency as left no room for the complaints or censures of the most critical of all reviewers,—an able bar. Although the most affable of men, open to the approaches of every honest class of the people at appropriate times, relishing keenly the flash of forensic wit and the play of popular humor, and despising that false dignity which so often covers shallow minds and cold hearts, yet few of our judges maintained with better effect the grave earnestness, the quiet order, and the solemn authority so necessary to the administration of justice. With steady hand he balanced the scales; and the best commentary upon his brief administration is found in the uncomplaining acquiescence of bar and people in the soundness, independence, and impartiality of his judgments.

In a survey of Judge DAWSON'S professional character, his friends are struck with his industry. He was always found present at the opening and adjournment of his courts. Whether remote or near at hand, his attendance was always prompt and continuous with the term. I have before adverted to the fact that he permitted no other engagement, no call of business, or invitation of pleasure, or attractiveness of pursuit, to withdraw him from his practice. This was eminently true during the earlier years of his professional life. The result was that his clients multiplied and business accumulated on his hands. His clients enlisted not only his professional ability, but his personal sympathy. He identified himself with his cause; and, whilst they relied upon him as the advocate and

jurist, they courted his presence as a friend. His demonstrations of personal regard for those who retained him as a lawyer were not the fruit of policy, but were the developments of a kind and affectionate nature. In the courts and in tavern-halls, on the wayside and in grave assemblies, his sympathies with the people found means of expression. Without effort on his part, he was always the centre of a listening crowd, eager to know his opinions and to catch the playful humor of his conversation. He knew more men personally than any man of his day; and those he did not know he seemed to know. A cordial grasp of the hand, a word of recognition, a bow, a pleasant inquiry, or a bantering salutation, as well as good offices, were the price which he was wont to pay for golden opinions. But let it not be understood that for selfish ends he thus bought the favor of the people. That a man of his sagacity should not know that such means would result in available popularity is not a possible conclusion; yet those who knew him well are convinced that, irrespective of availability to such an end, his mode of intercourse would have been the same. As proof of his attractiveness as a man, and in memory of the kindness of his nature, let it be recorded that many of his clients, whilst opposed to him in opinion, sustained him as a politician. Rarely, indeed, do party-ties yield to the claims of private friendship. The former are usually stronger than even those of nature. The personal qualities referred to, with his firm mind and strong, pure character, made him for many years the most popular man in Georgia.

His knowledge of men was very remarkable, as well as his tact in their management. If required to name that quality of mind which, more than any other, contributed to a career as a lawyer and statesman which cannot be designated otherwise than as brilliant, I should point to his power of insight into character. No man knew better how to control the conduct of others by touching those springs of action which are hid from the ordinary observer. This faculty was native; yet it derived efficiency from a large experience. He studied men as some people study books, and made a better use of them than philosophers often make of the facts of science. In the extracting of testimony from an unwilling witness, in its elucidation before the jury, in the selection of jurymen, in "fencing and foining" with an adversary, in detecting the idiosyncrasies of the judge, and more especially in exposing fraud lurking in the details of complicated transactions, it availed him as an instrument of tremendous power. Shrewd and quick of eye, he was prompt to seize a vantage-ground, to recover from a false move, or to discover and storm the weak points in a cause. He knew when to beat a retreat, or how to capitulate with the honors of war,—to break the force of an argument by a timely jest, or to overwhelm his antagonist with the clear, outstanding equity of his case. And if, perchance, there was any thing ludicrous in the claims or conduct of the adverse litigant, he was wont to ignore gravity and "laugh the case out of court." Without disparaging his learning, it may be conceded that he was most powerful in the management of a cause and as an advocate.

In legal discussions he relied more upon elementary principles than adjudicated cases, and was greatly indebted to the native suggestions of a vigorous mind. His was not the error of crushing a case under accumulated authority, or the folly of stifling it in a cloud of remote analogies. If it was not his habit (like his great contemporary, John Macpherson Berrien) to reduce an argument to mathematical exactness whilst he clothed

it in the drapery of the most exquisite rhetoric, yet it was his good fortune to see the strong points of a cause and to present them with a sturdy logic.

Judge Dawson was noted among his brethren for his skill in settling cases out of court,—more especially such as he foresaw would scarcely be settled favorably in the court-house. He knew the value of compromising. Nor is it otherwise than true that his out-door settlements were characterized by liberality and forbearance. At all events, the loser not unfrequently came out of his hands believing that he was, after all, the favored party.

It was his thorough knowledge of human nature that enabled him to adapt himself with such peculiar facility to the company he might chance to be in. He was not a learned man; yet he was at home more than most men in a circle of savans. And he was equally at his ease on the streets of Greensboro and at the dinings of Count Bodisco, at Washington. He was all things to all men,—not in the sense of hypocritical adaptation, but of amiable accommodation.

The person is to be considered in acquiring correct views of a man. Especially is it an element of strength or of weakness in oratory. In this regard he was favored. He was above medium height, but well knit, combining strength with activity. His face would attract the observation of a stranger, not because of its intellectuality, but through its benevolent and various expression. His voice was strong, his walk elastic, and his attitude erect. And pleasant indeed it was to observe the movements of his small, quick, vigilant, and hilarious gray eyes. He was a free and ready speaker, rather vehement in manner, handling facts with adroitness and arguments with force. He owed little to the schools or the classics. He was not wanting in sensibility, (the soul of true eloquence,) nor in a just appreciation of great themes or great occasions. Hence his most successful efforts were made when some great question of popular right had stirred the masses, or the life or estate of a client hung upon the verdict of a jury. At such times he was eloquent. Sensible himself to every generous or noble or compassionate emotion, and detesting every form of meanness, I have seen the listening jury melt beneath his appeals or glow beneath the fire of his denunciations.

The writer has often heard him say that he was a diffident man, and that he rarely arose to address the court or jury without a distressing sense of embarrassment. His contemporaries, who have for years witnessed his easy self-reliance in the court-room, I am sure will be slow to believe this. Yet I am not myself incredulous. The inward experience, I have no doubt, was as he represented it, but not so the external exhibition. A strong will and long habitude enabled him to master—and that very effectually—any natural tendencies toward diffidence or self-distrust. Like every other wise man, he felt the insufficiency of his knowledge and the limited range of his capabilities; and, like every other determined man, he disciplined his nature to put forth its strength when the necessities of times and occasions required it.

In a review of Judge DAWSON'S political career, one has occasion to note the influence of the profession upon his success, and also upon his political opinions. The law has been often called the stepping-stone to politics,—which means, I suppose, that it is an available instrument to be used in the outset of political life. Usage has sanctioned this phraseology, as expressing truly the relation between the science of the law and

the science of government. I protest against the phrase and the idea which it conveys, as degrading to the most honorable of all the merely secular professions. The practice of the law brings its votary prominently before the people. The discussions of the court-house make him known and create for him a public character,—a popularity which brings political promotion, beginning usually in the county of his residence, and not unfrequently terminating in the highest offices of the National Government. Standing upon this stone, he steps into politics. Thus far and no farther is this saying true.

But, in truth, the science of the law is inseparably connected with the science of government, embracing as the latter does the rights of men as political communities with reference to political constitutions, and the rights of nations with reference to each other. Constitutional law and the laws of nations are not separable from municipal law. The study and application of the laws which regulate personal rights are not distinguishable from the study and application of the principles of good government, nor from those rules which prescribe the rights and obligations of states in the great community of nations. The study of each and all of these is the study of the wide, deep science of *justice among men*. Without amplifying upon so great a theme, it may be assumed as true that no man can be a great American statesman without being a profound lawyer. And it is generally true that an able lawyer, if an honest man, will be a liberal yet a conservative statesman. He whose mind is thoroughly imbued with the principles of the common law, of the civil law, and of the equity jurisprudence of England and America can scarcely be an unsound politician. It is therefore claimed for Judge DAWSON that his training as a lawyer contributed greatly to make him a conservative, enlightened politician; for all these he was.

Two years after his admission to the bar,—to wit, in 1821,—he was elected Clerk of the House of Representatives of the State Legislature. This place he filled for ten or eleven consecutive years, through frequent changes of party supremacy,—no inconclusive evidence, this, of his fidelity as an officer and his amiable character as a man. Indeed, it was here that he laid the foundation of that remarkable popularity which he has always enjoyed. As Clerk of the House for so many years, he had the means of becoming personally acquainted with leading men from every section of the State. Familiar with the forms of business, and obliging in his disposition, he gave his aid to all such as needed it. Prompted by his amiable disposition as well as the policy of the thing, he never permitted an opportunity to go unimproved of making a friend or of conciliating an opponent. It is true that he was always (as before intimated) a man of the people, and was never known to pass a *sovereign* without a shake of the hand and a pleasant word. This was, however, more the outgoing of his buoyant spirit than the cold working of a selfish policy,—more the generous recognition of the claims of all men upon his courtesy than the forecasting of the political aspirant. Never, however, has he been known in political action to pander to popular prejudice or yield principle to popular passion. On the contrary, with unyielding firmness, he testified his devotion to the people by pursuing such a course and advocating such measures as, in his judgment, would promote their true interest. In the outset he took position with the State-Rights party of Georgia, then better known as the Crawford party, and subsequently as the Troup party, and later and for many years as the Whig party. To

the fortunes of the Whig party he adhered with unwavering consistency. Supporting the Compromise measures of 1850 in the Senate, he was one of the leaders of that great mass of Georgia Whigs and Democrats who organized the Constitutional Union party, and, as most men believe, saved the Union in 1851. His political opinions were those of the Southern Whig party,—eminently conservative, true to the Constitution, insisting upon the faithful observance of its compromises, and of unquestioned loyalty to the Union. For many years after he entered upon active life, the war of parties raged in Georgia with fearful violence. The history of that war this is not the place to trace. He might with truth say of it, "Magna pars fui." Gallantly did he bear himself in those struggles for many years. It is proper to say of him that, when the storm was at its height of violence, he could boast of more personal friends among his political opponents than almost any man of the day.

In 1834, he entered especially into politics, being returned for that year and the following year (1835) to the State Senate from the county of Greene. There he was known to the State as a diligent business-member, sustaining with able advocacy all the great interests of Georgia,—among them, education, internal improvements, a sound currency, equal representation, equal taxation, reform in prison discipline, and a court for the correction of errors. It was about this time that the State began to move in those great works which have pushed her ahead of her Southern sisters and crowned her queen of the Southern tier. To these he lent his efficient aid both in and out of the Legislature.

In 1836, he was elected to Congress. Georgia elected at that time by general ticket. Judge Dawson was the only Whig returned, prevailing over a popular Democratic majority by reason of his extraordinary personal popularity. General Coffee, a member of Congress from Georgia in 1836, having died, he was elected to fill his unexpired term, and took his seat in the winter of that year in the House of Representatives. The Creek and Seminole Indians in Florida and on the line of Georgia becoming hostile in 1836, and threatening depredations, Judge Dawson raised a very handsome volunteer company, to the command of which he was unanimously chosen, and, under the authority of the State Government, took the field. Having fulfilled with judgment and discretion the duties of this new post, he returned to his home, still more endeared to a people who had found him as willing to serve them in the field as in the Legislature.

General Scott, who had at that time taken the conduct of the Florida war, gave him a separate command, and detailed him upon a special service, which he performed to the satisfaction of that great captain.

He was re-elected, together with the entire Whig ticket, in 1838, and also in 1840. For the first time for many years, in 1838 the State returned an entire Whig representation to Congress, the subject of this sketch leading the electoral triumph. But it seems that the course of popularity, like that of true love, never does run smooth,—never, certainly, through a public life. Our popular favorite was destined to experience one of those reverses to which all public men are liable. He from his "pride of place" fell into disfavor, a victim to popular caprice, realizing one division of Burke's aphorism, that popularity may be acquired without a single virtue and lost without a single fault. The popular frown did not, however, long rest upon him. Popular honesty, rectified in its judgment by knowledge, soon reinstated him, and, like a fabulous hero of

antiquity, he may be said to have gained strength by his fall. In 1841, he was nominated the Whig candidate for the State Government, ran with great confidence of success, and was beaten. This discomfiture was owing to the use that was made before the people of a vote which he gave at the extra session in 1841, to increase the duty on tea and coffee. An increase of revenue was at that time found indispensable to discharge the accumulated obligations of the Government and maintain the national honor untarnished. Believing it better not to increase the duties on the articles taxed under the tariff compromise acts, and that by taxing tea and coffee the new burden would fall mainly upon those most able to bear it,—to wit, the wealthy consumers,—he voted for an increased duty upon those articles. The people were told that he had voted to tax them for using tea and coffee,—to deprive them of two of the necessaries of life; and, voters enough being found to believe these and numerous like versions of the matter, he was defeated. Notwithstanding that such perversions were made of his vote, it is not probable that he would have been beaten, if his friends had not relied with too much confidence upon his success. Believing that this result was a disapproval by the State of his course in Congress, and being incapable, according to his views of the relation between a Representative and his constituents, of holding office when his opinions upon leading questions of policy were not in harmony with those who elected him, in November, 1841, he resigned his seat. The principle of instruction may rightfully apply to the Representative of the people in the House of the people. In this case it may be questioned, however, whether there was a fair and deliberate expression of opinion against him. I am inclined to think that he might have waited for the “sober second thought.” He remained in private life—except the interval, as stated, that he was on the bench—from that time until the autumn of 1847, when he was elected to the Senate of the United States.

He occupied his seat in the Senate for an entire term, commanding the respect of his colleagues for his ability and patriotism, their affection as a man, and their admiration for his assiduity as a business-member. His reputation, indeed, at the expiration of his term, had become national.

His character in Congress was that of a vigilant, industrious, effective man of business. He spoke rarely, and, when he did take the floor, it was upon a question requiring action. He was not wont to address Buncombe from the halls of Congress upon abstract propositions introduced for the purpose of party, or sectional, or personal effect. Whilst no man evinced more zeal in behalf of those rights under the Constitution which are peculiarly Southern, or a more unflinching determination to maintain them at all hazards, than himself, yet he was decidedly national in the general cast of his politics. His judgment was too sound to be misled by impracticable theories of government, however plausibly constructed or adroitly addressed to the strong republican sympathies of the nation, and his patriotism too elevated and pure to be weakened by the ultra demands of a section, however stimulated by wrongs and fortified by aggressions. Good sense and independence characterize his speeches. They are plain, unambitious of ornament, and free from cant.

The limits assigned to this article will not admit of any notice, however brief, of all the measures with which his name has been creditably associated in the course of his Congressional career. Whilst a member of the House, he was Chairman of the Military Committee, and also Chairman of the Committee on Claims,—the latter one of the most laborious and useful

positions appertaining to the National Legislature, and one which cannot be well filled but by a good lawyer and an industrious and just man. He whose voice is potent enough to call the attention of the House of Representatives away from its turbulent political struggles, and fix it upon the memorial of a private citizen for justice long enough and close enough to examine into minute facts, must have its confidence as an officer and its kindly regards as a man.

In 1840, the Whig Representatives divided upon the election for President, Judge Dawson and five others—Messrs. Habersham, King, Warren, Alford, and Nisbet—supporting General Harrison as a safe exponent of the principles of the Whig party, and the balance sustaining Mr. Van Buren. In that agitating canvass he entered with his usual spirit and address. The State was carried for Harrison.

At the opening of the Twenty-Sixth Congress, Judge Dawson was put in nomination for the Speaker's chair. Upon the first ballot he received a very flattering vote. Discovering that two of his colleagues voted against him in consequence of a division between them on the election of President, he required his name to be withdrawn at once. His friends believed that if it had not been withdrawn he would have been elected to this distinguished office, for which they believed him well qualified.

He was among the very first of those who took ground against the absurd theories and indelicately selfish, not to say impudent, demands of Kossuth. He had the moral courage, in his place in the Senate, to condemn those theories and denounce those demands, choosing rather to abide the counsels of Washington than the revolutionary teachings of a foreign exile, who, coming to our shores as a beneficiary of the nation, sought to repay its hospitality by arraying the people against their own Government, and, through the process of revolution at home, commit them to the complications of revolution abroad.

In the latter years of his life, his position upon national politics was defined by himself in a speech in the Senate in the following words:—"It was known that he had declared that he could support no one for the Presidency who would not openly, plainly, and honestly declare that he will support the Compromise; and he would act with no party in the next election who is not pledged to oppose any further agitation of the matters embraced in it. He would not support any man nor act with any party who will not declare, in terms not to be mistaken, a determination to adhere firmly to the finality of the Compromise." He was twice married: his last wife, an accomplished lady of Tennessee, still survives him. To the wife of his youth and the mother of his children he was indebted for much of the success of his life.

It is at this day and in this country, so far from being humiliating, a source of pride for men to confess the obligations they are under to women. In all relations they contribute to make the fortunes of the sterner sex, but chiefly as mothers and wives,—as mothers, in the formation of characters; as wives, in seconding, by counsel and exertion, and inspiring by affection, the highest aims and the noblest resolves. Fortunate is the young adventurer upon the stormy sea of professional life who has secured the hand and heart of an amiable and sensible woman. She is the truest of all friends, the safest of all advisers, and the sweetest of all solaces. The instinct of wedded love is equal to the conclusions of the profoundest wisdom. These propositions were illustrated in the married life of Judge Dawson. It falls to the lot of but few men to be so signally

blest in a wife as was he. She was, without a figure of speech, his better half, and, in literal verity, his guardian angel. To use his own language, she was "the chief source of his happiness and success." In 1819 he was married to Miss Henrietta M. Wingfield, the daughter of Dr. Thomas Wingfield, an eminent physician of Greensboro, whose family, one of the most worthy of that ilk, emigrated to Georgia from the State of Virginia. With her, surrounded with their children, numerous friends, and a large body of relations, he enjoyed the highest degree of domestic bliss until the 7th day of April, 1850, when she left the duties of earth to enter upon the joys of heaven. She was a lady of great beauty, of refined tastes, easy yet dignified manners, remarkable for good sense, and distinguished for her intense yet unostentatious piety. She possessed in a remarkable degree the almost indescribable quality which is indicated by the word "sensible,"—a word which, in its application to women, means an almost intuitive perception of what is proper under all circumstances. Without bringing down upon herself the unpleasant observation of the world, or violating the delicacies peculiar to her sex and station, she, with consummate address, became his strongest auxiliary in every honorable aspiration of his life. With him she ascended gracefully to the highest level of social life at Washington. Knowing her well, I can with truth say that she never occupied a station that she did not adorn. She adapted herself to his circumstances,—gave to practical things the aid of her sound judgment, to the hospitalities of his house the elegancies of a cultivated taste, to her children the unwearied assiduities of a mother, to the poor profuse charity, and to God the devotion of a meek and quiet spirit. Judge Dawson appreciated the character of his wife, and repaid her love with the most marked respect and the most unremitting tenderness.

Already it has become manifest that he was eminently social in his nature and habits. "Carpe diem" was with him a practical precept. He illustrated his gratitude to Heaven by enjoying its bounties. He was at home where wit and humor and harmless frolic ruled, and was happy at a table-speech. His house was always open to a wide circle of friends, who found there the comfort and repose of their own homes, the welcome of affection, and the courtesies of cultivated life. He trained his sons to honor and virtue, and his daughters to gentleness, grace, and love. But he is lost to bench, bar, country, and family. His body moulders into dust, but his memory lives, a bright and instructive entity. He fell in the prime of his age, ere yet the hopes of life had begun to fade or the orb of his intellect had begun to wane. It is true that the dial had begun to cast its shadow eastward; but as yet it was short, and lengthened slowly. Suddenly his sun of being sunk beneath the horizon, and, lo! all was shadow. The grave received with him as much of practical capacity, of uprightness, energy, and benevolence, as ordinarily falls to the lot of favored men. Many—very many—throughout the Union mourn his death whilst they rejoice in the healthful example of his life.

XII.

SEABORN DELK.

MANY persons who may look into this work will not expect to find in it the name of SEABORN DELK as the subject of biography. The author of course alludes to such persons as were acquainted with the hostile relations which existed between Col. Delk and himself more than twenty years ago. He must take occasion to say that his nature forbids injustice even to an enemy. More than this; the grave has long since hallowed a better feeling; and, although there was a mutual dislike for a short period, let it be said they had been friends. Something of this personal affair will be noticed hereafter.

The author has not been informed of the birthplace of Mr. Delk. It may have been in Wilkinson county, as his father, the late David Delk, Esq., is believed to have been the first clerk of the Superior Court of that county after its organization in 1807. It is therefore quite certain that the subject of this memoir was a native of Wilkinson. From his sprightly and intelligent mind, it is inferred that he was placed early at school and made fair progress in his studies. When old enough to write legibly, he assisted his father in the clerk's office in keeping up the records, which proved to be of great service to him in after-life. His penmanship was neat, even elegant, and at the same time rapid.

Of the incidents of his early life no account has been obtained. He was probably a dutiful son and warm in his friendships. Nothing more need be said on that subject previous to 1828, when the author formed his acquaintance. Mr. Delk was then a law-student in the office of the Hon. Lott Warren in Marion, Twiggs county. Both near the same age, and both hopeful of the future, a very cordial attachment soon grew up between Mr. Delk and the author. Besides their legal aspirations, they had tastes similar in the military line; for, almost beardless as they were, one was colonel of the Wilkinson county regiment, and the other was a member of Major-General Wimberly's staff,—appointments most gratifying to their ambition. Let not older and wiser heads mock at the heroic mood of the two young friends. If peace continued,

they were certain of glory at the bar, in the halls of legislation, or in some other bright field where reputation was to be won, just by the desire, with a very trifling effort. To wish earnestly for an object was about the same thing as having it in possession, as they then innocently believed. And, should war come, what a pair of chiefs they would make! Yorktown and New Orleans would be eclipsed by their strategy! If these two *worthies* were a specimen of youth generally in their ideas of the future, it may be affirmed that language has no word so utterly in contrast as the tender and artless word *inexperience* and the pregnant letters remaining after the first syllable is detached. A gnat and an eagle are not more unlike in power than the fantasies of youth and the conclusions of age are unlike in the great concerns of life. All remember that, when Demosthenes was asked what was most essential to an orator, he replied, "Action, action, action." So, if the question were put to an old man, what was the most valuable thing, what was truth, what did men most need to make them wise and happy, he would say, Experience, experience, experience. And yet this pearl is rarely gained until it is too late to profit by the merchandise. The meaning of this episode on the reveries of youth will be manifest in the course of this memoir.

After applying himself with becoming assiduity to the studies prescribed, Col. Delk was admitted to the bar at Wilkinson Superior Court, at October Term, 1828,* the Hon. O. H. Kenan the presiding judge. He immediately opened a law-office in his old village of Irwinton, amid the friends of his father and those who had known him from childhood. He at once obtained a respectable practice. His competitors, or rather legal friends, were Robert Hatcher, Esq., who represented the county several years in the Legislature; James P. H. Campbell, Esq., afterwards Solicitor-General of the Chattahoochee circuit, and Col. John S. Barry, late Governor of Michigan. Mr. Barry was a Northern man, and his first employment in Wilkinson county was that of a school-teacher. He read law, and obtained a license to practise a short time before Col. Delk came to the bar. Being a gentlemen of intelligence and address, he was recommended to Gov. Forsyth for an aidship, which was bestowed, with the rank of lieutenant-colonel. He forthwith provided himself with military attire suitable for a representative of the commander-in-chief, and made quite

* The Hon. J. J. Scarborough applied at the same term and was admitted at the same examination.

a figure at regimental reviews. Col. Delk took credit to himself for getting up and supporting the request to the Governor which secured to Col. Barry a higher influence in society. As a lawyer he did not well succeed,—not from any deficiency of talent or legal qualifications, but mainly because he could not make himself “a people’s man.” His fondness for books had inspired him with too much of the ideal to fraternize with rude human nature in its every-day garb. After a few years he removed to the West, and, beyond all expectation, though not to the regret of old friends in Georgia, he was advanced to the Executive chair of Michigan, with the right to confer titles such as proved very grateful to him at an early period of life.

In the year 1831, Col. Delk married Miss Coates, the only daughter of the late Robert Coates, Esq., of Laurens county, a man of considerable fortune. In 1832, he removed from Irwinton to Marion, to pursue his profession without being annoyed by loungers and idle persons, who gave him no time for study or office-labor in his native village. He was an expert in pleading and conveyancing, and possessed much legal information, fluency of speech, and a great knowledge of human nature. He aimed to please all who might possibly be useful to him, by adapting himself to their tastes. His stories were told in a natural way, both in feeling and in language, and he always had a stock on which to draw, to suit the company, or any particular individual whose favor he desired. He was actuated by policy in all his movements; and he did not hesitate to avow that success was his object, without any quibbling as to the means. An example will be given.

An individual, S——, had killed H—— by a blow on the head in Marion. S—— fled, and the Governor offered a reward of two hundred dollars for his apprehension. Col. Delk suggested to the father of S—— to have him surrendered to the sheriff by a friend, take a receipt on which to obtain the reward, and pay it to him (Col. Delk) as a fee, and he would have S—— acquitted. The deed was done accordingly, the fugitive brought in and imprisoned, and Col. Delk immediately sent a young man who was living with him to Milledgeville after the reward, and actually put it in his pocket. The case lingered many years on the docket, and was never tried,—the defendant in the mean time at large on bail.

After his removal to Marion, Col. Delk attended all the courts of the Southern circuit, and by his talents and self-control soon attracted fees. He possessed no delicacy of feeling, and not much

respect for the rights of others when opposed to his own interests. He was in the habit of following up men who had business in court and putting himself before them so as to gain patronage. This he did from two motives,—one to benefit himself, and the other, perhaps, to render better service than any other member of the bar could afford. For it was a singular fact that his merit, though obvious to all, was, contrary to the usual doctrine on the subject, still more apparent to himself. He and the members of the bar generally were upon kind terms; yet at the same time his lax morality was losing him the respect of many who had a different standard of action.

The author has referred to a state of feeling which suspended for a while all amicable relations between Col. Delk and himself. How the matter arose, and how it terminated, will be seen by the correspondence and statements appearing in this memoir. In his reply to the first note of Col. Delk the author embodied the facts. On the interposition of mutual friends the affair was submitted. Owing to the imprudent, boastful remarks made by Col. Delk to the friend* of the author who alone was admitted into his part of the controversy, it was determined to publish the whole of it, with the evidence supporting the author's allegations. To this end the author had inserted a "Card" in the *Southern Recorder*, about the middle of November, 1833, announcing his intention. To prevent its fulfilment, Col. Delk made a secret assault on the author with deadly weapons at Bainbridge, within the closing hour of the Superior Court, December 7, 1833. The grand jury immediately found a "true bill" for assault with intent to murder, and Col. Delk was placed under bond by the court for his appearance at the next term.

In reproducing this old affair, or at least such portions of it as are material to the merits, the author has no desire to cast even the shadow of reproach on the memory of Col. Delk. It had ample publicity at the time, and may serve as a warning to youth how they indulge generosity of sentiment, and what sacrifices it costs to maintain a principle which all admit to be right enough in the abstract, but *erroneous in practice*,—the frankness to condemn an unworthy action, proceed from what quarter it may.

The first note of Col. Delk to the author was as follows:—

* William H. Young, Esq., now of Columbus.

MARION, 23d July, 1833.

SIR:—I have understood that in speaking of the case lately tried in the Superior Court of Early county—Taylor vs. Sheffield—and the fee which I received in that case, you the other day used language calculated to affect my standing as a lawyer or gentleman, or both.

I ask, (I have the right to ask,) Was the information I received as to this matter true or false?

Yours, respectfully,

S. DELK.

On the same day the following reply was sent to Col. Delk:—

MARION, 23d July, 1833.

SIR:—I have just discovered upon my table your note of this date, availing yourself of the right which belongs to every gentleman, when he feels himself injured, of calling upon the author of the supposed injury; and my attention is especially directed to any remarks I may have used touching your conduct in the case of Taylor against Sheffield, lately tried in the Superior Court of Early county, and which may have been "*calculated to affect your standing as a lawyer or gentleman, or both.*"

That I have detailed facts, connected with the case mentioned, both in your presence and elsewhere, which had the tendency to rebuke the part you acted, I pretend not to deny; for, if your memory is faithful, you have not forgotten the language I addressed to both yourself and Mr. Sturges, your respected associate, when the judgment was in a course of payment, and which is substantially the same I have indulged in respecting your interest in that case. What are those facts? At the term of Early Superior Court, in December last, the plaintiff, deserted by his original counsel, took you and Mr. Sturges into his case, upon the terms (so far as you were concerned, as I learnt from your declarations) that he was to pay you twenty-five dollars as a fee certain, and one-half of the recovery.

The verdict exceeded greatly what was generally expected, although the evidence presented an aggravated case of criminal conversation with the plaintiff's wife; yet the rank of the parties and her bad character went much in mitigation with the public: still, a verdict for \$1000 was returned, the whole proceeds of which were afterward assigned by the plaintiff, in my presence, to you and Mr. Sturges jointly. When you requested me to witness the assignment, having heard it read, I observed, rather seriously, that I would not attest such an iniquitous transaction; to which you replied that, when the money should be collected, you intended to give the old man (the plaintiff) something. I then became a witness.

At that time I considered the writing, conveying the whole judgment, merely as an expedient to defeat John Taylor's claim for services rendered in bringing the action and collecting the testimony at much trouble and expense on the first, and preparatory to the second, trial. Indeed, it was doubtful whether any money could be realized upon the judgment, as the defendant had sold his property in Georgia (as was generally reported) and had taken up his residence in Florida; but, at the late term of that court, the defendant's brother, Mr. Bryan Sheffield, offered to pay eight hundred dollars as a compromise, rather than have certain property molested which he claimed through the defendant. To this you and Mr.

Sturges agreed,—a portion to be paid in beef-cattle and the balance at the fall.

This being adjusted, and hearing from you and Mr. Sturges that it was your mutual intention to appropriate the whole collection to yourselves, I asked you both if it could be possible that you were going to cut the poor, old, helpless plaintiff out of every cent, by enforcing the literal terms of the assignment. You both answered affirmatively, and said that you might perhaps give him something, a very small sum indeed, to be upon the open and express footing of a gift,—not that he had a shadow of claim or right to any part of the judgment. I candidly and at the instant, to both your faces, reprobated the proceeding as unfair, oppressive, and unprofessional. This of course enlisted some feeling, and the remark from Mr. Sturges, of which you approved, that I was officiously meddling with your business, and that I was prompted by envy. I scorned the imputation to your very teeth, and told you that you both were far from being objects of envy with me; when you qualified, and said that I envied your prosperity,—meaning the exorbitant gains you were about to pocket. To this I added that I took pleasure in seeing my brethren of the profession succeed, but that I would not dishonor myself nor stain the profession for any emoluments it afforded, and that I viewed your act then in contention as one that would reflect unfavorably upon yourselves and the profession. I repeated this conviction to several members of the bar then at court; and, as I do not wish to identify them with my position, I shall not refer to their sentiments.

To continue a statement of the facts which influenced my remarks respecting your conduct, I press upon your recollection the scene between yourself and the plaintiff, when he respectfully and in the most friendly manner made inquiry how the judgment was progressing, and what was the prospect of its settlement. You told him that he had no interest or share in it; that he had transferred the whole amount to yourself and Mr. Sturges. The plaintiff expressed surprise, and said that you must have been jesting with him; that he admitted you and Mr. Sturges had full control of the judgment, and, apparently, for your private use; but that the contract was that half of the amount recovered should be equally divided between you both,—trusting to your honor,—and the other half to belong to himself. Whereupon you declared he was a liar, and, with a vulgar and irreverent oath, that since he denied the contract you would not give him one cent; that you and Mr. Sturges had previously intended to give him a hundred dollars each; but, as it was, you would see him in perdition before you would give him a cent. This was heard by several persons, and myself among the number, which I presume you will not deny.

What I have stated in substance became the open and spirited topic of conversation before and after you left the court, and convinced me that the profession suffered in the estimation of the plain, honest, and useful citizens of the country by the act of which I have given a history. They denounced it as fraud and oppression, and expressed a general distrust of the integrity of the members of the bar, that they would take all advantages of their clients and others, however ruinous or foul. Upon the score of labor, and therefore of justice, your remarks to the jury who tried the case will furnish the best illustration. In apologizing to the jury for the imperfections of your address, you stated to them that you had not bestowed an hour's attention on the case previous to the investigation then going on,—that your knowledge of the case

was just such as the jury possessed, all gathered from the evidence then submitted. Now, sir, I state these facts as wholly disconnected with speculation, which readily admit of proof; and suppose, for argument, that the written transfer which you possess set forth the contract truly, is there such a want of generosity, nobleness, and high-toned feeling in members of the bar, that they must distress the poor and insult public opinion, hazard their own standing, and tarnish the respectability of their calling, merely for money, and that, too, eight times in excess of what they expected reasonably to obtain? You stated that before the jury made known their finding you did not calculate upon a verdict exceeding a hundred dollars. You could have satisfied the desolate and poverty-stricken old man, your client, and then you and Mr. Sturges could have had two hundred dollars each, fairly,—an ample compensation for the speech you made, although perhaps as able as it was short. You and Mr. Sturges justified your conduct still further (probably not in earnest) by stating it was your ability and eloquence operating upon the jury which secured such heavy damages. Admitting that you both displayed unrivalled talents and skill in the management of the case, (perhaps a compliment which your modesty would decline,) still, the latter sum ought to be, in all conscience, a most satisfactory equivalent.

Entertaining the opinion so evident in what I have already said to you upon the subject, I have made known to a few persons since my return home, particularly since your drove of beef-cattle paraded the streets of Marion for several days, much to the curiosity of its inhabitants, the true state of the case as it is submitted to you, and may have given my judgment freely to the gentlemen with whom I conversed. The information you sought is afforded; but I disclaim, in all that I have said in relation to the matter, having been actuated by jealousy of your prospects at the bar, or rank as a politician, or by feelings of personal disfavor. The act itself provoked my comments and relations: I wish to see the profession honorable and exalted as it ought to be, as are some of its members; and I will ever war against a certain species of hard-hearted and avaricious conduct of which some have been guilty; and, whether I live or perish, my principles are my only fortune, and these I will claim and defend irrespective of persons.

To your call thus far have I responded. What course you design for the future as a punishment for my frankness, I know not: neither is it a matter of much solicitude with me. I repeat what I have heretofore said in relation to the subject of the dispute: my remarks would have been the same, had another acted as you have done. If you feel wronged, and consider my disclosures unjustifiable, you may select what channel of redress is most suitable to the occasion, and it will remain for me either to furnish that redress, or make such provision as the exigency may require. Be assured, sir, that I am satisfied with my statements: I retract none; and, as I invite no bitter, painful warfare, I shall not feel terrified at the proposal of any.

I am, sir, with due respect, your obedient servant,

STEPHEN F. MILLER.

While the controversy was pending, and before any decisive action, the author received the following letter, nobly lending the authority of the writer's name to prevent a fatal issue:—

BUNKER HILL, August 19, 1833.

DEAR SIR :—When at town yesterday, I regret to say that I heard that there existed between yourself and Col. Delk an unfortunate difference, characterized by violent feelings on either side, and that our friends below had reason to apprehend serious consequences might grow out of it. Nothing could have been more unexpected to me. It appears to me that between you and Col. Delk such a state of things should not be cherished, nor allowed to continue long, under almost any circumstances. There certainly can be no reason which would justify permanent and lasting hostility between you; and I do hope that neither of you will look upon the other as sworn and incorrigible enemies, until your friends shall make an effort to reconcile and adjust the affair. Our pride, you should recollect, has such an influence upon us all as to disqualify us, in what are called affairs of honor, from doing even justice to our opponent. Without passing upon the merits of the unfortunate controversy, allow me in kindness to say that you both may be wrong, as is generally the case between those who have been hitherto friends. So sincere is my friendship for you both, and so sensible am I that difficulties between old friends, terminate as they may, never result to the advantage of either, that I have ventured this morning to write to you both a letter of the same description, begging of you to leave the whole affair to those whom you know to be your mutual friends. You owe it to your families and to your friends, to consult your reason and to rebuke your passions and your excited feelings. I repeat, if this matter cannot be sooner amicably terminated, for the sake of your families and your friends, allow it to rest until your court, when we all shall have an opportunity to take upon ourselves that responsibility (by your permission) which it is always incumbent upon those who are really friends to do in the settlement of difficulties between men whose interest it is to encourage and maintain an amicable relation.

I am, with much respect, your friend,
JOHN H. HOWARD.

P. S.—Please write to me giving me assurances that my request shall be granted. I make the same postscript to the letter written to Col. Delk.

J. H. H.

In his letter of August 23, 1833, thanking Major Howard for his honorable proposition, the author gave a history of the dispute, and closed with the following paragraph :—

I must apologize for my tediousness : the character of our profession is so severely estimated by the people at large, that it is my resolution, so far as I can effect it, to place it high and beyond reproach. To be generous and self-denying, to toil for reputation and not to seek it, preferring ultimate honor to present gain,—these are my views,—at least, such as govern my course, and such as the brightest stars of our vocation have practised upon, and to which they are indebted for their eminence and renown.

In another part of the same letter to Major Howard, the author said :—

My conduct, I am sure, will stand examination. I feel envious toward no man, however elevated, as that is a passion which withers the finest

qualities of our nature, and is therefore to be carefully suppressed. What, in the name of honor, even of common sense, is there in my adversary to awaken my jealousy, (were I so mean as to feel it of particular persons,) which would make it an object to supplant him? He is not of that mould which pleases me: he has not that professional loftiness, dignity, address, and emulation which I covet. As to his practice, it gave me pleasure to witness his success. I do not grasp after business, concluding that when I deserve it my harvest will arrive. I merely use these hints to shield me from an uncharitable and unjust imputation.

This much has been extracted to show certain opinions of the author at the time, and which he has never thought proper since to abandon, however they may work in a pecuniary sense. Knowing that his ideas on the subject were a little peculiar, he ventured to give the sources from whence they were derived; and he reiterates the assertion that, if he is not *orthodox* on the subject, he has been led into *heresy* in a manner he now proceeds to explain.

As a reason for coming before the public with the difficulty between Col. Delk and himself, the author referred to early impressions as being too strong for his manhood to resist. In a sort of preface to the correspondence, dated November 4, 1833, the author remarked:—

The depravity of man has been a constant subject for all ages to harp upon, and, so far as respects a spiritual kind, may be and no doubt is perfectly true; yet in charity and good faith, with abundant evidence before me, I do believe that integrity, honor, and beneficence are active virtues in many members of the profession of the law, and that the impressions I received early in life of the character and influence of such members are not to be effaced by the opposite conduct of others. When quite a youth, just passing the line of boyhood, I was deeply and earnestly interested in hearing of the fame and ability of two distinguished gentlemen of the bar in my native State; and, as I had an opportunity of hearing them in the courts, I felt that their celebrity was just. Who has not heard of WILLIAM GASTON and JOHN STANLY of North Carolina, men whose talents, virtues, and accomplishments would have made them eminent and beloved in any country? They were models of all that was commanding and perfect at the bar,—dignified, graceful, learned, and eloquent: when they appeared in a cause, the crowd to hear them was always great, and the anxiety of the spectators intense and untiring. Such were the legal advocates I first heard in my life; and never shall I forget with what admiration and pleasure I gazed upon them and listened to their surpassing and brilliant addresses. Mr. Gaston was called the first character in the State, and that appellation he yet deservedly retains. In him I never saw nor heard any thing that was trifling or idle; but on all occasions, both in public and in the private circle, he was the same great, pleasing, and delightful man. He seemed conscious of his weight only so far as to manifest a proper, by no means an artificial or studied, self-respect. As to his habits of business, or the manner of acquiring it, he was equally consistent. He sought no practice, nor did he ever give an uncandid opinion to those who asked his advice. His words to others

were the counsels of wisdom and the voice of kindness; yet he claimed no superiority, nor slighted the humblest man who approached him. No man ever had reason to say, nor did I ever hear, that Mr. Gaston used deceit or extortion: his fees were moderate and always regulated by the circumstances of his client and the service he could render him. Such is North Carolina's most gifted, if not favorite, son.

I now recur to the life and qualities of the most extraordinary man of his time, the political and personal friend, but professional rival, of Mr. Gaston, the late John Stanly, Esq. Both these gentlemen were citizens of Newbern, where I resided several years; and I know the influence they both wielded over the people and the affairs of that city. Mr. Stanly was in some respects different from Mr. Gaston. The former was ready, strong, and captivating, the latter learned, clear, and impressive. To a person adorned with a native grace and imposing dignity Mr. Stanly united the most lively and fascinating wit. In the language of an elegant writer in allusion to Mr. Stanly, "he had truth, reason, and argument for the candid inquirer, logic, wit, and eloquence to confront a respected adversary, and bold rebuke and withering sarcasm to chastise ignorance, vulgarity, and self-conceit: he was emphatically the terror of wittlings and blockheads." His heart was as liberal as his genius was lofty and brilliant. I have seen him toil in defence of the poor, without a cent or the promise of a fee. I have heard his rich, full, and musical voice in behalf of the unfortunate and the stranger, when they were unable to retain him. I have seen him, the great Napoleon of the mind, followed by his admiring and idolizing townsmen, some on business, others for the benefit and pleasure of his conversation, and all for the deep feeling of respect they bore him and the confidence they had in his principles. But the scene is now sadly changed: the accomplished John Stanly is wrapt in eternal silence, and his eloquent tongue forever hushed!*

I have made free with the names of Messrs. Gaston and Stanly, partly as a tribute to the land of my birth, but mainly to hold up their examples, and show that my ideas of professional duty and success were formed at an early period, and that I do not now choose to abate them, although they are not fully realized (with a few exceptions) in the manner and reputation of any gentlemen of my acquaintance. Mr. Jefferson said that when he was a young man, when any temptations to do wrong were presented, or when he was at a loss what course to pursue or how to act in any matter, he reflected what would be the opinion of Mr. Wythe as to his conduct, and as he believed Mr. Wythe would approve so he acted. By this means Mr. Jefferson said he chastened and confirmed his habits of propriety and rectitude, from which he derived the greatest benefit. Of course the only parallel which I intend to draw between Mr. Jefferson and myself is, that I took Mr. Stanly for my monitor, and, if I thought he would condemn any act of mine, it would be abandoned if practicable, and that which he would sanction I would endeavor to perform. I have never regretted this influence, now so essentially a part of

* Mr. Stanly was attacked with paralysis in the Legislature of North Carolina, in January, 1827: from that time he lingered, "sorely smitten, the wreck of his former self," until his death, August 2, 1833. The unfortunate John K. Campbell, Esq., late United States Attorney for the Middle District of Florida, informed me that he was present and saw Mr. Stanly sink in debate under the infliction, when the Legislature instantly adjourned in confusion. Mr. Campbell fell in a duel in Thomas county, Georgia, August 29, 1833.

me that I view Mr. Stanly as having led me into error, if an enlarged and liberal spirit toward mankind, and a sincere contempt of little things, be a hurtful delusion. I am sensible, and so Mr. Stanly found it, that to avoid certain misfortunes which the grovelling, low-minded, and selfish class of people call the deepest disgrace, that to rescue genius and virtue from the contempt and sneers of such, and to command their respect, a man must take care of his own interests, even at the sacrifice of all that can ennoble a human being. Let me ask, What man ever reached the pinnacle of glory who distressed his brains about dollars and cents, and, instead of training his mind to bold and exciting contemplations, would quibble and argue with all the zeal and obstinacy of a sharper about the smallest matters of traffic? If there be such lawyers, (and such I know there are,) I would advise them, independent of the lessons of their destiny, to leave a profession which may *honor* them, but which they cannot *reciprocate*. Without pledging myself to exhibit any member of the profession in this unenviable light, (to some in my knowledge it is true glory, for it is their greatest ambition to move in that sphere,) I now proceed to touch upon the facts which led to this appeal.

A copy of the pamphlet containing the correspondence, with the prefatory address, was forwarded to the late Judge Gaston, with a letter respectfully calling his attention to it. The following is the reply:—

RALEIGH, February 25, 1834.

DEAR SIR:—I received a few days since your very polite letter of the 28th of January, and have been in daily expectation ever since of receiving also the pamphlet to which you refer, as accompanying your letter, but which has not yet come to hand. Sensible of the proof of your esteem which is given, by thus deferring to my opinion in a matter which concerns the honor of the legal profession, I have not a little curiosity to see the pamphlet, and request that you will have the goodness to transmit it to me.

Your admiration of my deceased friend, Mr. Stanly, is well founded. He was indeed a great man, distinguished pre-eminently for acuteness of intellect, rapidity of conception, a bold, vigorous, and splendid eloquence. How unfortunate it has been for his family that he lived so much for others and so little for himself!

For the flattering sentiments you have been pleased to express toward me individually, I am very grateful. Although I have ever been anxious that my conduct should be regulated by a higher and more certain standard of right than the opinion of any set of men, I cannot but feel much satisfaction whenever I discover that I have obtained the approbation of those who are qualified to decide upon what is just and honorable.

I am, dear sir, very respectfully, your obedient servant,

WILL: GASTON.

STEPHEN F. MILLER, Esq.

After the pamphlet had been freely circulated, and the author relieved from what he deemed a misconception by many, of the part he had acted toward Col. Delk, he then determined to give his adversary a full discharge from legal punishment. Conversing

with a venerable clergyman,* the friend of both, the author expressed his intention to enter a *nolle prosequi* to the indictment at the ensuing term of the court, and thus restore to Col. Delk every assurance of safety relative to the crime he had rashly committed with a view to suppress what had been since accomplished, the publication of the whole controversy and the proofs connected with it. The worthy man to whom this purpose was revealed was so gratified that it soon reached the ears of Col. Delk. This led to a pacification, as will be seen by the following paper which the author has now before him, in the handwriting of Col. Delk:—

The State <i>vs.</i> Seaborn Delk.	}	Indictment—Assault with intent to murder—in Decatur Superior Court.
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Stephen F. Miller, the prosecutor, declined of his own accord the further prosecution of this case, which being made known to the defendant, he, defendant, acknowledged that he regretted the transaction. Whereupon, at the request of mutual friends, a written statement in relation to the matter was drawn up and agreed to, and the whole matter amicably settled in a manner disgraceful to neither in any point of view, but highly honorable to both.

STEPHEN F. MILLER,
SEABORN DELK.

BERRIEN, March 26, 1834.

Very little remains to be added. In politics Col. Delk had been a decided Troup man and a member of the State-Rights party, figuring conspicuously at public meetings, and was the Corresponding Secretary of the Twiggs County State-Rights Association formed in 1833. He was quite dexterous in debate, and had an earnestness of manner that impressed spectators with the idea of sincerity on his part. At the general election on the first Monday of October, 1834, it was said he voted against his old party friends for the first time,—for what reason the author is not informed. The judicial elections were to come on at the approaching session; and it was pretty evident, from the manifestations of public sentiment, that the Union party would have a majority in the Legislature. Whether he was actuated by self-interest, or by the convictions of his judgment, in the course he adopted, is a secret which probably died with him in less than two weeks afterward; for on the 13th of October, 1834, he was summoned to another world, after an illness of two or three days, at the age of about twenty-eight years.

After their reconciliation, as stated, the usual courtesies were interchanged between Col. Delk and the author,—of course never

* The late Rev. Wilson Conner.

with the same cordiality as before the rupture. The last interview with him was on the eve of Laurens Superior Court the week before he died, when he gave the author his Laurens papers, and requested him to appear in his cases, as the court in Wilkinson, in which he had the most practice, was held at the same time. The request was cheerfully complied with, and they saw each other no more. Col. Delk became indisposed at Irwinton, and was merely able to reach home to die in the arms of his family.

In selecting characters for this volume, the author felt that if he omitted Col. Delk altogether it might be attributed to a feeling of unkindness which even the grave could not cancel; and, now that he has noticed his career, with such comments as he believed justice authorized and truth demanded, it may possibly be alleged by some that the object of the author has been to cast a shade upon the memory of his former adversary. To this opinion, entertained by whomsoever, the author opposes his solemn disclaimer of any such motive. On the contrary, he takes the principal blame on himself in the origin of the dispute; and, were it ever his privilege to stand by the tomb of Col. Delk, he could not resist that tender emotion which the remembrance of past bitterness never fails to inspire over the ashes of the dead.

Col. Delk's brother, David Delk, Esq., also a member of the bar, was killed by the Indians in the battle at Shephard's plantation* in Stewart county, June 9, 1836. The only child of Col. Delk, an infant son named Warren, died first. His widow married Dr. James Moore, son of the late Dr. Thomas Moore, of Laurens county, and nephew of Col. Seaborn Jones, of Columbus.

* See White's Historical Collections, p. 641.

XIII.

JOHN M. DOOLY.

FROM the renown this gentleman has acquired as a wit, much will be expected in his memoir illustrative of this peculiar faculty. The author can only submit his collections and leave the performance to speak for itself.

Col. John Dooly, in honor of whom a county in Georgia has been named, was the father of JOHN M. DOOLY. The family pedigree and the public services of the brothers are noticed in a work* familiar to the public. They were originally from North Carolina, but removed to Georgia and settled in Lincoln county about the beginning of the American Revolution. In this county John M. Dooly was born: the precise date the author has not been able to ascertain. Nor has he succeeded in obtaining any account of his early life, where and by whom educated, with whom he read law, or what time he came to the bar. But these facts can be dispensed with in the abundance of his maturity.

By an inspection of the Register of Commissions in the Secretary of State's Office, it appears that John Mitchell Dooly was appointed Solicitor-General of the Western circuit, September 2, 1802, to fill a vacancy, and that on the 22d November, 1804, he was elected to the same office by the Legislature. Supposing that he was thirty years of age when he first received office, the date of his birth would refer back to 1772,—which is probably the correct period. In 1816, he was elected Judge of the Western circuit; and in 1822, he was elected the first Judge of the Northern circuit, and in 1825 was re-elected by the Legislature. Of his other public services something may possibly be said in the course of the memoir, though the author regrets that no particular measure or question has been connected with his name, of which any record has been preserved worthy of his powers in debate. His character has been lost sight of in all other respects, partially, in the blaze of wit with which his memory is invested. The author will proceed with such account as he has obtained from reliable quarters.

* White's Statistics of Georgia, p. 210.

Other names have been introduced in the correspondence, as essential to the object in view.

A gentleman* of great intelligence thus writes:—

I retired from the bar in 1827, and, having been engaged in other pursuits, I feel peculiarly disqualified to answer your queries. D. P. Hillhouse, Esq., who was the editor, for a number of years, of a paper published in this place, informed me recently, that William Harper, Esq., of Appalachicola, Florida, an attorney of Lincoln county, and a neighbor of Judge Dooly, knew more anecdotes relating to him than any other person, and had promised to write them out for him.

The lawyers of this circuit, when I was admitted to the bar, in 1810, were John Griffin, Esq., an old practitioner, who had been a judge of the Superior Courts a short time, and had the reputation of being a sound lawyer; Col. Thomas P. Carnes, A. S. Clayton, and Edward Paine, of Clarke county; Thomas W. Cobb and Stephen Upson, of Oglethorpe; John M. Dooly, of Lincoln, a man of an original and vigorous mind, and of whom more witty and humorous anecdotes are related than of any member of the bar in this State; Col. Duncan G. Campbell and O. H. Prince, Esq., of Wilkes, and some others,—all gentlemen of high reputation at the bar, and a number of whom obtained offices of high honor. Col. Campbell died in 1828. Had he lived, he would no doubt have attained to the highest office in the gift of the State. Gen. J. V. Harris, formerly of Elbert, and now of Athens, and Col. M. Henley, of Lincoln, are (I believe) the only surviving lawyers who were practising when I was admitted in 1810. From a conversation I recently had with Judge Andrews, I expect they could give you the history of the dispute between Clarke, Crawford, and Tait, which gave rise to the Crawford and Clarke parties, which agitated the State for so many years. They were on different sides in the dispute. You have probably written to them, and they are more competent to furnish the information sought than I am.

Many of the lawyers of the middle circuit attended our courts, to wit: Gen. Flournoy, Major Freeman Walker, Col. John Forsyth, Richard H. Wilde, Col. Ware, Col. Carr, George Carey, Judge Montgomery. Mr. Hopkins N. Brewer, a talented young lawyer, (my partner,) died in 1833. R. M. Allison, a promising young lawyer, died previously. I have no doubt omitted the names of some. Judge Andrews can furnish you (if desired) with some anecdotes of Judge Dooly, and one relating to him and Carnes, and a negro man Charles, who was placed at the breakfast-table with them, some fifty years past,—which would give some idea of the state of society in the upper parts of the State. I find persons more willing to furnish information when appealed to directly by the person wanting it, than when it is applied for through the agency of a third party.

After the passage of the severe laws against gambling, Judge Dooly was very rigid in their enforcement. At the close of one of the Superior Courts in this place, the judge had retired to rest; but the noise of a faro-table in the adjoining room disturbed him so much that he got up, dressed, and went in and told them that he had tried all legal methods to break them up, and had failed: he was determined to adopt another plan. And before the night had closed he broke the bank, and told the parties to clear

* Alexander Pope, Sen., Esq., of Washington, Wilkes county, under date of May 8, 1851.

themselves, and be more careful in future how they interfered with the court.

The anecdote of the roast pig has been published, and many others are related; but I have too imperfect a recollection to furnish, and am a poor hand to relate them. The judge had a most admirable talent in this respect, and was an extraordinary man.

From another gentleman* of the same town the author has received a communication, of which the following is an extract:—

To begin with Judge Dooly. I had no acquaintance with him until I was admitted at February Term, 1822, of Wilkes Superior Court. Five of us then made application, three of whom were broken merchants. I believe it was directly after Wirt's Life of Patrick Henry was published. You will recollect that Henry was a broken merchant. Dooly had lately read the work. The country having just passed through a severe pecuniary crisis, many broken merchants were applicants for admission; and, when three applied at one time, he said, in his petulant, satirical tone, that Wirt's Life of Henry would do great injury, as it had given the world to suppose that it was necessary for a man to break as a merchant before he could make a lawyer!

He had a fine head, and the finest, brilliant, round black eye that was ever put in a head. When any thing began to operate in his mind, you would first observe it in the sparkling of his eyes. I have been told, by the old people who knew him when a student with Matthews in this place, that he was a little, sallow, *pot-gutted* lad, rather than a man, in his appearance. I have heard the judge say that he was so badly clad that he was ashamed to come into town. The office was just out of the town. He was born in Lincoln, near Savannah River, and saw his father killed by the Tories during the Revolutionary War, or soon after.

He and Carnes (Tom Peter, I think it was) used to practise in the upper districts of South Carolina. Huger, and some other high-toned gentlemen of the profession in that State, would not notice the two hoosiers from Georgia. Carnes said that Dooly took great delight in ridiculing them at every chance, and so successfully that they abandoned the practice in those districts. I recollect a quotation Dooly gave from one of Carnes's speeches. His adversary had spoken of a syllogism, the major and minor proposition, and the consequence, &c. Carnes, in reply, to convince the jury that the gentleman had lugged in immaterial matter because he had nothing material, complained of the indelicacy of mentioning in court the names of a very respectable, peaceable family residing over in Lincoln, Georgia, who had never had any thing to do with courts; that old Major Syllogism would be exceedingly alarmed did he know that his name had been mentioned in a court-house; that they must know that the minor Syllogism could never have been in court, being a minor; and the cruelest cut of all was to name the blushing Miss Consequence, who hardly knew that there was such a thing as a court-house. He spoke of the family of Syllogisms as being large and respectable in Georgia.

As an evidence of the rudeness of the times, and the equality of master and slaves when they were few, he mentioned that he and Carnes had

* Hon. Garnett Andrews.

driven hard, early one Monday morning, to the breakfast-house, on their way to one of the upper District courts. They had called for breakfast, making known their anxiety to eat and proceed. The good woman told them breakfast was ready, and as soon as Charles came they should eat. She called for Charles, and blowed for Charles, and sent for Charles. They were anxious to see Charles, not only that they might eat, but for the privilege of beholding so important a member of the family,—husband, brother, or son, as they supposed he was. Finally, Charles came walking leisurely up, and proved to be a large black negro fellow, radiant as ebony, odorous as a musk-ox, and independent as a voter on the first Monday in October. “Well now, Charles,” said the woman of the house, “I wish you would sit down and let the gentlemen eat, as they are in a great hurry to get off to court.” “D—n your gentlemen,” says ebony: “no more gentlemen than *me are*. Let ’em wait till their hurry is over.” However, Charles was coaxed to the table, on which was a basin of *clabber*, three spoons, and as many pieces of bread. “Now, Charles,” says the good woman, “do eat, and then the gentleman will begin.” Carnes, being permitted, at length, to take some part in the festivities of the morning, picked up his spoon and said, (shaking it at Charles,) “Now Charles, d—n you, spooney your own side;” whereupon the trio breakfasted until the coagulated *clabber* gave way between the posts where the gentlemen and Charles were spooneying, and then they left the repast to Charles and his dignity.

Before he went on the bench, Dooly was fond of cards and conviviality, and was not always restrained afterward. I heard him say he never went to a faro-table determined to win a moderate sum and stop, that he did not succeed if left to his own judgment. He went to Augusta on one occasion, and determined that he would win fifty guineas each night that he might remain. He carried out his resolution several nights, and was progressing well the last night, till some intermeddling friend began to advise him, when he began to have bad luck. He commenced drinking, and continued to lose, and proceeded until he lost all.

He lived in the midst of a large plantation. A long lane led down to his gate, which you opened, and rode some hundred yards up to his house. One very hot day, a neighbor rode up to the large gate, and called and beckoned, until he called the judge, through the hot sun, to where he was; and when within speaking-distance the neighbor asked him if he had seen any thing of Mark Bond, another neighbor. “No,” said Dooly, as he turned about and walked back to his porch, from whence he watched him in search of Mark Bond as long as he was in reach of a halloo by Dooly. He then called and beckoned until the neighbor rode back through the gate and up to the porch, when the judge said, “I have not seen Mark Bond, and do not care if I never do,” and turned on his heel and walked into the house.

I witnessed the scene of ordering the sheriff to discharge the stuffed pig on his own recognizance, which, together with the breaking of the faro-bank at Wilkes court, you have no doubt often heard.

When I first came to the bar, Wilkes court sat from two to three weeks in July. One evening, a lawyer of this place, during the July court, asked the judge and several other gentlemen, among whom was myself, to his office to eat watermelons. The judge had complained all the week of my being unusually slow in conducting my business. After we had eaten all the melons before us, I proposed to go with another friend a

few steps off to a cellar for more. "No, no, Andrews: don't *you* go," says Dooly: "they will get too ripe before you will return."

He was of feeble health, and more peevish when unwell than at other times, though always irritable. He also had great contempt for any thing like foppery. Being sick at Milledgeville, he was confined in the second story of the hotel. His friends had advised him to have a young doctor to prescribe for him who was rather foppish, and wore heavy brass-heeled boots, just as they were coming in fashion. After he had visited Dooly once or twice, he became disgusted with his manners, and thought the doctor took unusual pains to let it be known that he was shod after the latest fashion. He could hear the brass heels ring at every step upstairs and to his door. When the doctor arrived at the door on the third visit, Dooly called out, "*Ride* in, doctor!"

On one occasion, at Hancock, he was trying a prisoner for murder; and the case turned on the point whether he was justifiable in shooting the deceased. The jury returned a verdict "That the prisoner had the right to shoot." So soon as the verdict was read out, Dooly called, in great apparent alarm, "Take care, Mr. Sheriff! take care that he don't shoot this way!"

Dooly's father was prosecuting attorney about the close of the Revolution, when some eight or nine men were hung in this county, under indictments about as long as your finger. The records are interesting and curious.

The author is indebted to a gentleman* of Columbus for the greatest variety of anecdotes concerning Judge Dooly that he has obtained from any quarter:—

When I first knew this extraordinary man, he was in the prime of life; and I shall never forget the impression which his person made upon me. He had a large head, with a bold, elevated forehead, heavy eyebrows, prominent nose, a small, compressed mouth, large, vivid, sparkling eyes with long eyelashes, which, frequently opening and shutting, gave his countenance an expression as if under the influence of an electric battery, from which the beholder at first sight was almost sure to recoil. He was about the medium size, and his head always seemed too heavy for his body, his mind too active and strong for his frame. His peculiarity of voice, which was sharp and discordant, was well calculated of itself to get up attention from all within its reach. But there was a point, a spice, a felicity of expression, in all he said, marked with a conciseness which showed him at once to advantage, and which drew all other tongues into silence when he spoke. The learned and the ignorant, the old and the young, all felt his power to please, and did him honor. It was his wit and sarcasm which gave him such power to please and to hurt. I never knew his equal in either. Yet the very subject of his wit, from the happy manner in which it was played off upon him by the judge, was generally the first to join in the loud and hearty laugh which it produced; and even the unfortunate object of his sarcasm soon recovered from the overwhelming blast, from a consciousness that it resulted not from any settled malice in the judge, but from a mere wanton exertion of that power to punish with which the God of nature had endowed him.

* Hon. G. E. Thomas.

If his adversary would give him a time of par lance, the difficulty was adjusted by a single stroke of good humor, which very often followed the most writhing and scathing thunderbolt.

A most remarkable anecdote is told, which grew out of the personal difficulty between himself and Judge Tait, and which shows the very tact he possessed of disarming his foe at a single blow. It is well known to everybody that was acquainted with Judge Dooly that he was a man of peace, not of war, and that he always considered "discretion the better part of valor." When challenged to the field of mortal combat by Judge Tait he replied that, in consequence of the misfortune of his rival foe in losing one of his legs, he did not think they could fight on *equal terms*; and, from all he had ever heard of his distinguished adversary, he was led to suppose he would not seek a fight except upon *equal terms*, and he hoped his refusal would be attributed to proper motives, and not to a disposition to reflect on his misfortunes, for which he entertained the most sincere regret.

When his answer was received and read by Judge Tait, he became very much exasperated, and was determined to press the matter to a point and not suffer the judge to escape in that way. So he replied in a severe manner, casting insinuations on him, that he was apprehensive his reluctance to fight sprung more from cowardice than from a tenderness of shedding the blood of an unfortunate cripple. Whereupon Judge Dooly came boldly out, and was explicit in stating to him his mistake in supposing he was not willing to fight upon terms of equality, and informed Judge Tait that he would certainly meet him on any day, at any place to be agreed upon, and exchange a shot with him, *if he would let him put one of his legs in a bee-gum!* Upon the reception of this note, Judge Tait became indignant, and replied to him, with much severity, that he should publish him as a coward; to which Judge Dooly calmly responded that he might do so at his own expense in every gazette in the State, *for he would rather fill a dozen newspapers than one coffin!*

On one occasion he was most happy in giving a hint to a landlord in one of the upper counties, who had honored him by presenting the judge every day for dinner, during the court, with a half-grown hog in the shape of a stuffed baked pig. The clever, *punctual gentleman* had attended upon the table every day without injury: no fork had pierced him, no knife had cut him. When first asked to take some of *the pig*, the judge replied that he was certainly a well-grown pig,—that he was much larger and in better order than any of his fattened hogs. At the close of the term, on finishing the dinner of the last day, he called the sheriff to him and ordered him to discharge *the pig* upon his own recognition, to be and appear at the next term of the court, with the thanks of the court for his prompt and faithful attendance.

On another occasion, during the protracted trial of a criminal case in Hancock, his friend, T. H., Esq. was discovered by the judge to be always drinking out of a certain little pitcher which sat before him, and which, by-the-by, had plenty of apple-toddy in it. The judge at length became thirsty, as well he might, and called for water. The sheriff soon sprang down to the pail, which sat in the corner, and brought a tumbler of water for the judge. On its being presented to him he shook his head, and, with a significant manner which all understood, begged him to let him have some out of the pitcher which Mr. H. drank out of. Having tasted it copiously, under the gaze of all present, the judge smacked his

lips and returned it, saying it was decidedly the best water he had drunk since he came to the village, and enjoined it upon Mr. bailiff always to draw from the same spring Mr. H. drank out of, for him!

The writer was riding out with the judge for the purpose of viewing, as he termed it, the beautiful little village of Warrenton, which he always insisted was next to Wrightsboro, the loveliest in his circuit. It was in the afternoon of the day on which the citizens had met, during the recess of the court, to discuss the ruinous policy of the Tariff of 1828; when, seeing the village swarming with happy children just turned loose from school, he inquired if all those children belonged there. On being answered in the affirmative, and that he did not see half of them, he remarked, "To-be-sure; you don't say so! Ah!" he exclaimed, readily, "this, I believe, is a species of domestic industry that needs no protecting duties to support it. The South is rich in children, tariff or no tariff!"

When canvassing for a re-election to the judgeship of the Northern circuit before the Legislature, during the stormy session of 1825, in consequence of the warlike message of Gov. Troup, his political adversaries, to which party the judge belonged, branded him with *madness*; to which Judge Dooly most happily replied, in the midst of a large number of Gov. Troup's friends, "*If he is mad, I wish the same mad dog that bit him would bite me.*" This saying so pleased his opponents that they voted for him almost to a man, and even put a stop to all opposition to him in the election.

The ladies at a certain dining-party were all speaking very highly of a new-married lady who had just come among them as a young bride, saying that she was a lady of such a fine, even temper, they knew the judge would be pleased to form her acquaintance; when he replied that under different circumstances he should be highly gratified, but, as she was a lady of a *fine, uniform temper*, he must beg to be excused, for he never knew but one lady of that character, which was old George C.'s wife. He had known her intimately for forty years, during the whole of which time she had been of a *uniform* temper; that she had been mad one day with another—*uniformly* mad, without the least variation—ever since he first knew her, and he prayed God that he might never know another!

One cold morning, during the Spring Term of Hancock Court, he seemed to be quite husky in his voice and laboring under a cold, when a member of the bar inquired of him after his health. He replied that he had a severe attack of the *quinsy*,—for, as cold as the wind blew, there was a man who came and stood all the morning at the court-house door with only his morning-gown on and without any cravat; that the sight of the man had affected his throat so much it was quite *sore*, and that he should have to resort to his hourhound before night if it did not get better.

The ruling passion is strong even in death. When confined to his bed for the last time, a friend called to inquire of his condition. He replied that he had a bad cold without any cough to suit it,—that his cold never hurt him when his cough suited it.

He was a man of the warmest charity. He observed on one touching occasion, when a poor beggar asked him for alms, that he was early taught, from refusing to give to an unfortunate widow in Savannah, never to let the devil cheat him out of another opportunity of bestowing charity; that he had determined to err on the safe side ever after, and to give something in all cases of doubt.

I am now reminded of one more anecdote which is very characteristic

of the man. A certain lawyer in Lincoln county was a candidate before the people for a seat in the Legislature. When asked by the judge as to his prospects in the coming election, he replied that he was apprehensive he should be defeated, as the people in that county had a strong prejudice against voting for a lawyer. "Oh," replied the judge, "if that is all, I will aid you, for you can get a certificate from me at any time *that you are no lawyer.*"

This singular and gifted man will long be remembered as one of the ablest of Georgia's sons,—one whose talents always gave him a place among the first jurists of the State,—one whose genius shone in the zenith of his fame with a dazzling light.

In a second letter, the same obliging correspondent says:—

There is one more peculiarity in the character of Judge Dooly which I think, upon reflection, I ought to have said something about, which is the wonderful quickness of apprehension he possessed. No man with whom I was ever acquainted had this trait in so eminent a degree. His mind was clear as light and quick as thought. He seemed never to be at a loss for a correct understanding of the case tried before him, no matter how complicated. He readily unravelled it, exposed all the fallacy and sophistry which counsel might throw around it, and presented its true merits to the jury. His memory was very tenacious. He seems never to have forgotten any case he read or any decision which he had heard made while a practising attorney at the bar. His recollection of the names of parties and witnesses was no less remarkable. He seemed to fall in love, almost intuitively, with system and order in speaking on any subject. His method was clear, natural, and happy. He used but few words, and those always to the point.

He said he could not help it, he ever felt a pleasure in the company of some men, a disgust for the physiognomy and society of others; that some folks had honest faces, in which even a child might confide, while others had a pickpocket countenance, which put every man, woman, and child on their guard.

His insight into men was very remarkable. He seemed, as if by a glance, to know readily who would make a good foreman of the grand jury or a good bailiff.

He was always a friend to the young members of the bar, and would willingly throw his shield around them when overpowered by an older and merciless practitioner. Hence he was not so much beloved by the older as younger members of the legal profession.

His sagacity as a lawyer showed itself on one occasion, I was told, most happily, when it was attempted, in the county of Columbia, to palm off upon his client a forged deed to a tract of land, which had been dated back to be older than the one on which he relied. But, in the anxiety to ante-date it far back, his adversary in the suit had gone behind the time when the county was formed, and thus the deed proved itself manifestly a forgery.

It is said that his power of ridicule often subjected him to the ire of his adversary; yet he usually found a way of escape, when called to account, by cracking some pleasant joke with his enraged foe.

His versatility of character was great. On one occasion, he entered into the room where a faro-bank was in operation, while he was judge, and insisted on putting an end to the demoralizing practice by winning all

their money, and thus bankrupting the table,—declaring it as his opinion that *law was a dead letter*, compared to one severe beating, with a gambler; that when you won his last dollar, then he was the fit subject of punishment; that while the gambler had money, he was sorry to find, he always had friends and countenance. He said it was laying the axe at the root of the tree, to break them up at a fair game.

At Hancock Superior Court, the judge had to impose a fine on two men brought before him for a riot. He called for some paper from Philip Sims, the clerk, who was known to be a rigid economist,—so much so that he rarely handed over more paper than was barely sufficient to write what was required. When, after much ado, Sims handed up a small, dirty piece of paper, the judge turned the scrap over and over; then of a sudden he threw it down contemptuously on the bald pate of the clerk, saying, “I would not fine a dog on such a piece of paper as that. Go, gentlemen, and sin no more; or I will see to it the next time that you are fined upon gilt-edged paper.”

At Taliaferro Court, (Crawfordville,) one dark, gloomy night,—when the judge had retired to rest in a room below the one in which most of the lawyers attendant upon the court were lodging, the gentlemen above were telling anecdotes and making quite an uproar with their loud laughter, the scraping of their feet, and the rattling of chairs, much to the judge’s annoyance,—suddenly a dreadful rencontre seemed to be going on in the judge’s chamber: chairs and sticks and blows were distinctly heard. Immediately all the members of the bar rushed into his room below to see what it meant,—when, to the mortification and surprise of every one, the judge was beating one chair with another all over the floor, apparently in a furious passion. To the question, What was the matter? he replied, “Nothing: I am only keeping time with the noise up-stairs.”

Once, at Hancock, he was much enraged at the disorderly conduct of two members of the bar. He remarked, sternly, that they must take their seats, when one of them, sitting down quick, was making an effort to rise again for the purpose of apologizing, and, being about half-way up when the judge discovered him, “Mr. G.,” said he; “rise, if you dare, and you are fined a hundred dollars;” whereupon Mr. G., being half bent, made an effort to speak, when he replied, “Just speak a word, and you are fined a hundred more.” So, Mr. G. being confounded and confused, half rising and half speaking, made such a grotesque appearance as to excite the universal laughter of all present; when the judge, collecting himself and cooling down, mildly remarked, “Mr. G. has the floor, and is in order. You can now both rise and speak till you are satisfied, provided you do so one at a time.”

The judge had a happy way of having a favorite horse he drove, taken care of. Whenever he drove up to an hotel, he would ask if he and his horse could find quarters. If the answer was favorable, he would then apologize for his horse, by informing the landlord that he had not long since purchased him of a Frenchman; that he had not yet learned to speak *English*; that he had to speak for him; that he was desirous he should be put in charge of a faithful hostler, who would feed, water, and curry him three times a day and furnish him a nice pallet of clean straw every night.

An old personal friend* of the author, of another profession, has kindly responded to a call, as follows:—

* Dr. John G. Slappey.

The most remarkable character I ever saw was Col. John M. Dooly; for my knowledge of him was acquired before he went on the bench. He was of middle size, well proportioned, and, when standing, and sober, his appearance was handsome. I hardly ever saw him still: he was always moving. His temperament was sanguine and lively, his complexion florid, and his features regular, with sparkling eyes. He was extremely volatile and social in his disposition, and was much admired for his constant flow of good-humor and pleasantry. He was truly a wit, and a great droll. At the bar, and elsewhere, he feared nothing. He manifestly had nothing of that fawning, whining, sycophantic mixture in his composition which too many are tinctured with at the present day.

As an advocate, he was bold, independent, and at times apparently reckless. When wanted in court, on the call of the docket, he was not always at his post, but often had to be hunted up and brought in by his client in a state of inebriation. Boy as I was, I never saw him before aristocratic and frowning Judge Early, but the conduct of Col. Dooly reminded me of a passage, "What is man, that I should be mindful of him, or the fear of man, that I should regard him?" He possessed a most active mind, forcible and penetrating, and was energetic in thought, vivid and cogent in delivery. When excited by his cause, he was not always tipsy, and seldom fell short of his aim or carrying his point. He applied caustic and sarcasm with more effect than any person I ever saw; and, when stimulated and goaded to it by the strength of his adversary, he was acrimonious and blistering in a rare degree.

Col. Dooly was as simple and unostentatious in his manners and habits as a little child. He was above the aristocratic nonsense of the times in which he lived. He was quick and brilliant in repartee, and, when provoked, would give a loose rein to his thoughts and feelings in a strain of satire for which he had no rival; and woe to that man who opposed him! it was scalding, blasting,—annihilation itself. And yet this same giant was without guile in his heart or selfishness in his nature. Such was the public and social character of John M. Dooly.

I cannot dismiss this prodigy of a man without alluding to a court-scene in which I was one of the principal actors,—a defendant on the criminal side of the court! The grand jury had prosecuted several young men—mostly medical students—for disturbing a grave. The conduct of the accused parties was not inconsistent with the usual respect due to families. The body selected had come to a violent death, and was such, in public estimation, as might be used for the advancement of science. Notwithstanding, the *trespassers* were arraigned. I was horror-stricken and terrified for years afterward; and, even at this moment while I write, I can call up, and in part realize, the excitement, the same tingling sensations, run through my nervous system, as my old heart palpitates at the recital.

Col. Dooly was my counsel. I looked to him for deliverance in my extremity. The case was called. My champion was in the back room of a store, most particularly unfit to appear in behalf of a young man whose character and prospects in life depended on the skill of his advocate. I roused him, and pressed him into court. He looked at the indictment,—said a word or two which I did not fully understand, from an excess of alarm,—and the next moment I was told to go about my business, as the court had no further use for me. My heart swells with gratitude, and my

eyes grow dim with tears, when I think of John M. Dooly, as he stood by me on that occasion. Honor to his memory!"

Soon after announcing his intention to prepare this work, the author requested Gov. Gilmer to furnish him such recollections as his long service in public affairs and his experience at the bar might enable him to impart, relative to deceased members of the profession. Gov. Gilmer kindly wrote a letter, under date of September 4, 1851, in which he communicated some interesting facts, but, much to the regret of the author, concluded with this injunction:—

I would not publish what I have written; I do not expect you to do so. It may, however, aid you in what you may write.

As a rule of acknowledged propriety, this puts the seal on the information afforded; yet the author takes the responsibility of selecting certain passages, and throws himself upon the kindness of his honored correspondent for so doing. They are too good to perish under lock and key. He expects his readers to stand by him for the *discourtesy*. Governor Gilmer says:—

I have a great liking for biography. I feel an interest in the success of your undertaking, and would aid in its success but for my health. My health has always been so bad, my practice of the law so limited, and my life so domestic, that I doubt whether I can add any thing of value to what you will find in my Essay.*

I fear that you will find it impossible to obtain the necessary materials for doing what you propose. You will see what I say in my Essay of my success in collecting information from and about old times, men, and former events in Georgia.

If the sayings and doings of Judge Dooly, and the events of his life, could be known, they would furnish more interesting matter for biography than Lord Campbell has given in any one of the lives of the Chancellors of England. But there is no hope of this. There is not a lawyer of his day living except General ——. He will not communicate what he knows. He so stated to me in answer to a letter I addressed him, asking him to give me an account of the lawyers of the early times in Georgia.

Though identified with Wilkes county as Judge Dooly was, my friends had little or no intercourse with him. The habits and opinions of the old Georgia settlers from North Carolina were so different from those of the Virginians who followed them, to whom I belonged, that there was scarcely any intercourse between them. I have no recollection of having seen Judge Dooly until I was grown. I never met with him in private society. I never dined with him but at a tavern, except in my own house.

* The Literary Progress of Georgia: an Address delivered in the College Chapel at Athens, before the Society of Alumni, and at their request, on Thursday, August 7, 1851, being the Semi-Centennial Anniversary of Franklin College. By GEORGE R. GILMER.

* * * * *

I never knew Judge Gresham except very slightly, until after he was on the bench. He was a kind, social man. He had talents, but they had been trifled with instead of improved. He probably was without the necessary firmness and industry to have made him a permanently useful public man. I recollect being at Wilkes court whilst he was on the bench. Edmund Bacon was there, and told stories and played antics so much to the amusement of Judge Gresham that his nerves gave way from the agitation of laughter, so that he had to adjourn the court without completing its business.

Mr. Prince and Judge Clayton were the wits of the bar in my time. But my taste is so little inclined to humor that I retain but slight recollection of what was considered by many as their good things. Mr. Prince wrote "Captain Clodpole, or the Oglethorpe Muster," which was republished throughout the United States and in some parts of Europe.

In the social intercourse of the bar during a court-week in Oglethorpe, soon after the publication of Scott's Marmion, Mr. Prince and Judge Clayton expressed the opinion that the poetry was only doggerel, which anybody could write. To prove the truth of their opinion, Mr. Prince immediately wrote some rhymes on Col. Johnson, a kinsman of mine, and Judge Clayton added notes.

* * * * *

Captain Hillhouse published the poem and the notes in a paper which he edited in Columbia, South Carolina.

At a large dinner-party in Lexington, at which Mr. Prince and Judge Clayton were present, Judge Clayton told one of his stories which he thought very good. Nobody laughed. Whilst Judge Clayton was looking somewhat disappointed, Mr. Prince broke out into the most uproarious laughter. Everybody's eyes turned upon him with astonishment. When asked what tickled him so, he answered that he was laughing to keep Judge Clayton in countenance on account of the failure of the story. Then indeed laughter was irresistible.

Whilst Judge Clayton was yet young at the bar, he was appointed attorney for Franklin College. A difficult law-case came up for trial, in which the college was a party. Judge Clayton tried to continue the case, alleging that he did not understand its merits. Whilst he was urging his motion, a large uncouth lawyer by the name of Carter, who had been raised in Franklin county and was then practising somewhere in the piney-woods, came into court. He was a stranger to everybody but Judge Clayton. He was standing within the bar, and replied to Judge Clayton's argument by stating that it was the first time that he had ever heard ignorance pleaded in bar of going on with the trial of a case. Judge Clayton immediately replied that, if such a plea was allowed in the courts where he (Carter) practised, he might put off forever the cases in which he was attorney. It was a sight to see Carter dodge the blow, rush from the court-house, order his horse and ride off!

* * * * *

Mr. Cobb was a man of genius and industry. He was a well-read lawyer, and had a very extensive and profitable practice. His fees had accumulated for him an estate of eighty thousand dollars when he died. He was young when first elected to Congress, and was elected Judge of the Superior Court soon after his service in Congress terminated. He was a very handsome man, having a well-proportioned person and regular

yet striking features. His voice was clear, strong, and well modulated. He was social, conversable, and had a love for music, and played admirably on the violin. His extraordinary self-possession and uniform confidence were always strikingly exhibited. He inherited an excellent constitution, which he greatly abused. His grandfather was a hale man at one hundred years old, married a young wife afterward, and died at one hundred and eleven,—some say one hundred and twenty. Mr. Cobb died of an exhausted constitution when young in years. Had his early training been judicious and controlling, he would have been one of the great men of Georgia.

* * * * *

The author has heard a few things outside of his correspondence, which he gives for what they are worth.

Judge Dooly and the late Major Freeman Walker disagreed at a public table, when the latter observed that he had borne with the liberties taken by Judge Dooly long enough, and that, as the attack on his feelings was public, so should be his redress. He thereupon caught up a chair and advanced on Judge Dooly, who seized a large carving-knife for his defence. Several gentlemen sprang to keep the judge from stabbing his assailant, and only one gentleman held back Major Walker. Looking calmly at the scene, Judge Dooly said, "Gentlemen, one of you will be sufficient to prevent me from doing mischief: the rest of you had better hold Major Walker." Of course the affair ended in an explosion of merriment, and friendly relations were soon restored.

At the close of a court, having settled his tavern-bill and ordered his horse, the judge came from his room with a very small pillow under his arm, a miniature likeness of a more satisfactory article on which to repose the weary head after the toils of the court during the day. Some person inquired of him what he was going to do with the pillow. "I am going to plant it in some rich soil, that it may grow larger by next court," was the reply of the witty experimenter.

A very good hit was made by the judge at McComb's Hotel, soon after the election of Mr. Adams to the Presidency in 1825. It is said that a young gentleman was complaining very much that the country was disgraced by the election of Mr. Adams; that a man of Mr. Crawford's merit, the wisest and soundest statesman of the age, should be passed over; that even General Jackson, with his faults, was far preferable to the successful candidate. In fact, it was his deliberate opinion that ruin and dishonor would result to the country from the administration of Mr. Adams. All this time Judge Dooly was sitting before the fire, with his head drooped on the back of his chair, attentively listening. Then, raising his head and looking the grumbler in the face, he said, "Young man, does

Mr. Adams know that you are opposed to him?" "No, sir: I wish he did know how little I thought of him." With that twinkle of the eye and cutting tone of the voice usual in his sarcastic moods, the judge administered this consolation:—"Suppose I write on to let Mr. Adams know that you are dissatisfied with his election? perhaps he will resign." In a moment afterward the youthful politician glided into the street, not waiting to join in the roar of laughter which followed at his expense from the large number of persons present.

What has been already submitted from sources entitled to the highest credit will sufficiently illustrate the character of Judge Dooly, without any comments by the author. That he was one of nature's rare productions all must be convinced who read his history. That he had defects which, no doubt, obscured his public usefulness, all must regret. It only remains to add that, on the 26th day of May, 1827, he breathed his last, committing his soul to God and his memory to man.

In his published work ("Georgians," p. 210) Gov. Gilmer thus speaks of Judge Dooly:—

His capacity was sufficient for any attainment if it had been properly directed and actively employed. Unfortunately for himself and for society, he was, when young, under the influence of idle, drunken, gambling associates. Though his estate was large, his education was neglected. His scholastic knowledge was limited to what he learned from the common school-masters of his time. His person was erect, and of proper proportions. His features were of the finest cast. His large, protruding black eyes indicated to any one who looked into them his extraordinary genius. He was a lawyer, and would have been the most successful at the Georgia bar if his habits had corresponded with his talents. He was born, continued to live, and died, within the limits of Lincoln county. His people were always gratified when they could make him their representative. He was a member of the Legislature during the embargo and restrictive measures of the General Government and the war with Great Britain, and successfully advocated the alleviating, thirding, and stop laws then passed. His wit, keen satire, quick perception, and extraordinary speaking-capacity were never surpassed by any one in Georgia. Mr. Forsyth was his only countryman who equalled him in polemic party debate. They were never pitted against each other so that their debating-powers could be compared.

XIV.

PETER EARLY.

No list of great names in Georgia would be complete without including that now under consideration. Much has been written of Judge Early, and all parties have united in awarding him the loftiest meed of praise. Without referring to any publication for his materials, the author is persuaded that the sketch he submits will be faithful, as it is drawn from sources of known authenticity. Soon after deciding to prepare this work, he requested a gentleman* of ripe qualifications, who was well acquainted with Judge Early and practised law in his courts, to furnish an outline of his character and public career. That request has been promptly complied with, as follows:—

PETER EARLY was born in June, 1773, in Madison county, Virginia, and migrated with his father, Joel Early, and family, about the year 1795, to the county of Greene, State of Georgia. After the usual preparation, he entered Nassau Hall, at Princeton, New Jersey, and in due time received its academic honors as a regular graduate. From this institution he passed, after a short respite from study, into the office of Mr. Ingersoll, an eminent counsellor of the Philadelphia bar, where he had the benefit of a protracted apprenticeship as a student of law. With the advantages of such a course of study, it cannot be matter of wonder that Mr. Early's first appearance in the courts of Georgia should have made a most favorable impression. His voice and elocution were admirable; and his manners, at once dignified and gentle, secured the esteem and favor not less of the multitude than of his associates in the practice.

Though he entered on his professional career with bright prospects, in the pursuit of fame and fortune he had to encounter competitors who put his confessedly great resources to frequent and severe trials. Among these were Carnes, Dooly, Griffin, and William H. Crawford, of the Western, and Robert Watkins, George Walker, and John E. Anderson, of the Middle circuit. None of these gentlemen, indeed, had received a collegiate education, nor had they enjoyed the benefits of a systematic study of the law; but most of them were his seniors in the practice,—all, perhaps, except Mr. Crawford; and the three last mentioned eminently distinguished by genius and a high order of eloquence.

Political ambition was not a prominent trait in the character of Peter Early; but he had not been many years at the bar before popular opinion began to point him out for the public service. The fruits of an early and judicious training manifested themselves so often and so signally in his

* Hon. Joel Crawford.

professional achievements, and perhaps, above all, the universal estimate that was placed on his probity as a man and a patriot was such, that the people demanded his services in terms too flattering and too urgent to be resisted. His election to a seat in Congress, in 1802, was carried by a majority of votes seldom equalled in this or any other State.

In the House of Representatives Mr. Early was an efficient member. On important committees his reports gave proof of industry and research, and in debate he certainly ranked among the ablest of his associates. With the exception of Abraham Baldwin,—that eminent man whom Georgia, so long and so much to the credit of her discerning and patriotic population, delighted to honor,—the State has never had a representative in Congress whose services contributed more to sustain her dignity and honor than Peter Early. Among the notable transactions in which he bore a leading part may be mentioned the act to prohibit the African slave-trade, and also the impeachment and trial of Samuel Chase, one of the judges of the Supreme Court of the United States.

Whatever guilt may be chargeable to Judge Chase's administration of the law, he was doubtless a jurist of acknowledged ability, and as certainly a political partisan of no ordinary zeal. No functionary supported with more earnestness and energy the measures of the first Adams when President of the United States. Few, probably, had less respect for those republican principles which lie at the foundation of our American Constitutions. He was an ultra Federalist; and, in presiding at the trial of more than one criminal prosecution for alleged breaches of the famous alien and sedition laws, he incurred the suspicion of gross and vindictive bias against the prisoners. Public resentment rose to a pitch that could not be satisfied with any thing less than the impeachment of the judge; and, during the session of 1803-04, articles of impeachment were preferred on motion of Mr. Randolph, and in due time he was arraigned at the bar of the Senate for trial. The House of Representatives—the constitutional prosecutor in such cases—had appointed a committee to conduct the impeachment, one of which was Mr. Early. John Randolph, of Roanoke, and four or five other members of high rank, belonged to this committee, and took part in the discussions before the court. It has been said, however, that, in force and true forensic eloquence, the argument delivered by the member from Georgia was decidedly the best. Aaron Burr, then Vice-President of the United States, presided with an austere dignity peculiar to the man, and with a stringency of administration which some suppose to have caused a reaction in favor of the accused. Chase was imminently in peril of conviction,—from which, indeed, he could not have escaped, according to the recorded vote on several specifications, had a finding of *guilty* by a less number than two-thirds of the Senate been practicable. His counsel during the trial were Messrs. Martin, Harper, Hopkinson, and Key, who assisted in the defence.

Mr. Early continued to be re-elected to Congress until the condition of his domestic affairs about the year 1807 required his presence at home, when he voluntarily retired for the purpose of resuming his practice at the bar. But, about this time, a recent acquisition of territory lying between the Oconee and Ocmulgee Rivers was formed, by an act of the Legislature, into a new judicial circuit. That the services of Mr. Early might be secured for the bench of the Ocmulgee circuit, the boundaries were extended so as to embrace the county of Greene, in which he had his residence and which had previously belonged to the Western circuit.

He was elected without opposition, and continued to discharge the duties of the bench with distinguished ability until the fall of 1813. It would be difficult to name a qualification for this office which he did not possess in more than usual excellence. To an accurate knowledge of law he united clearness and promptitude of perception, commanding elocution, and a natural dignity of manner which announced at once a conscious rectitude of purpose and a firm determination to carry it into effect.

The judge was fond of society, and was himself to some extent an agreeable companion; but few gentlemen had less wit, humor, and what is usually called address, than he. His whole education and all the habits of his life had been so decidedly pacific that it may well be doubted whether he could have encountered with becoming firmness scenes of personal danger; but his firmness and fidelity to official duty never failed him, and it is probable that no terrors of an ordinary character could have swerved him from a proper fulfilment of all such obligations. It is not remembered that he was ever absent from the time and place of opening the several courts of his circuit, and he rarely if ever adjourned a court without disposing of the entire docket, unless prevented by accidental cause. Such are the infirmities of human nature that a faithful administration of justice is not apt to attract to its ministers much of the friendship and favor of the people at large: the task of deciding on the adverse claims of litigant parties, especially when the fiat of the presiding judge was so conclusive as it was under the wretched judiciary system of Georgia before the establishment of our Supreme Court, was not likely to bring much popularity to the most able and upright of all judges. But the first judge of the Ocmulgee circuit had the gratification to know that he possessed the confidence of all classes up to the day of his retirement from the bench.

In the fall of 1813, Judge Early was elected Governor of the State. At this period the United States were at war with Great Britain, and the Governor found the labors of office greatly augmented by repeated calls for the organization, equipment, and supply of militia-corps detached for the national service. On this new theatre of action he displayed not only his wonted capacity for business, but a zeal for the successful prosecution of the war at least equal to that of any other functionary in the United States of his position and grade. Scorning the base example of Strong and Chittenden, contemporaneous Governors of Massachusetts and Vermont, he not only carried into prompt execution the various orders and requisitions of the Federal Government, but on more occasions than one assumed responsibilities in making the funds and other resources of the State subservient to the prosecution of the war. His entire administration, civil and military, met the approbation of all classes up to the day on which he returned, with his official veto, to the House in which it originated, a bill for continuing in force what was called, in the jargon of the times, "the Alleviating Law."

This may not be an appropriate occasion to expose the absurd and corrupt policy out of which the several acts of the General Assembly sprang which had for their object the suspension of legal process to enforce the collection of debts. Under the sufferance of the Judiciary Department, it prevailed, with various modifications, for a period of about six years: it swayed most of the popular elections from the summer of 1808 to the fall of 1814, when it received the *coup-de-grace* of the Governor's veto. Many counties, from year to year, sent representatives pledged to a con-

tinuance of this iniquitous measure; and, considering the long period through which it had run, and its blighting influence on the public morals, it is a matter of wonder that an electoral college characterized as the General Assembly then was should have placed a man who was not only a profound lawyer, but almost a personification of justice, in the chair of the Executive Magistrate. It is only to be accounted for by reference to the extraordinary popularity of Peter Early and the inherent blindness and imbecility of persons bent on the perpetration of vicious deeds. Whilst demagogues of the most profligate character were carrying their own elections at home by invoking the aid of motives not less delusive than disgraceful, they seem to have forgotten that in conferring power on such a man as Early they were preparing to consummate the destruction of their darling policy. They made a fortunate mistake,—fortunate for the whole country, themselves included. The State was rescued from the pernicious consequences of an enormous folly; and of this the popular conviction has been so pervading and permanent that no one, since that time, has had the temerity to propose the enactment of another law “to alleviate the condition of debtors.”

The Executive veto is a conservative power found, probably, in every Constitution, State or Federal, in the United States: it has been seldom exercised, and never on better grounds or with better effect than in the instance here stated. All its consequences were beneficial to the country, except only the failure of the Governor in his canvass for re-election. The discomfited majority reappeared at the ensuing fall election, and found means to supersede Gov. Early with a man* whose practical politics gave them as little satisfaction as that of his defeated predecessor. But with Gov. Early the loss of office did not involve the loss of public consideration and esteem, much less the friendship and admiration of all who were able to appreciate the true value of his official probity and firmness.

Had the message of Gov. Early discussed nothing but the constitutional question,—had he been content to demonstrate the invalidity of an act of the State Legislature, because it “impaired the obligation of contracts,” as the law in question certainly did,—the veto might have been forgiven and forgotten; but, in remarking on the deleterious tendencies of such legislation on the public morals, he uttered a sarcasm which was too applicable to the ease in hand, and too afflictive to those on whom it fell, to admit of pardon or palliation.

The Governor returned to his estate in Greene, and, with the exception of two or three years as Senator of that county, never afterward took any part in the political affairs of the country.

When quite a young man, Mr. Early married Miss Smith, of Wilkes county, sister of Colonel—afterward General—Thomas A. Smith, of the United States army. The offspring of this marriage were a daughter, (now Mrs. Jones, of Alabama,) and two or three sons, all of whom removed some few years after the death of their father to the State of Missouri. The Governor's death happened about the year 1822.

A friend† of the author of more than thirty years' standing has kindly furnished the following recollections:—

Judge Early wore the ermine with ease, dignity, and grace. I never

* Gov. Mitchell.

† Dr. John G. Slappey.

saw his equal in this respect. Next to Gov. Troup, I consider him the greatest man who has figured in the annals of Georgia. I will give my impressions as best I can.

In court Judge Early knew no parties, but maintained his office with the sternest proprieties, and measured out justice with an even balance. There was a peculiarity about the corners of his mouth which I never saw in any other man's. His lips were forever compressed and firm. I never saw him smile. His countenance had more of sadness than cheerfulness, yet indicative of the deepest reflection. On his seat he was erect and commanding in his position, with his arms most generally folded across his breast and one knee thrown over the other. He seldom altered this posture. He looked severe and haughty: yet he was dignified without the least affectation. His mind was in perfect correspondence with his body; and it never hesitated or faltered, but took in at a glance and comprehended instantly whatever was presented to it. Having drawn his inferences with that sound judgment for which he was distinguished, he rarely saw cause to change his opinion. He possessed the highest degree of self-respect, and knew how to respect the bar and others. All questions or points in a case before him he met promptly and decided positively. There was nothing negative or vacillating in the character of Judge Early. In all respects he was a perfect specimen of a man, and a model judge.

Believing that the profession would be glad to see the message of Gov. Early returning the *Alleviation Bill*, with his reasons for not approving it, a copy is subjoined, as follows:—

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, 11th November, 1814.

TO THE SENATE:—I have received and attentively considered the bill which has passed the two Houses of the General Assembly, entitled An act to continue in force an act to alleviate the condition of debtors, passed the sixth day of December, 1813. The result of this consideration is that I am compelled, by a sense of duty which cannot be dispensed with, to return the bill with my dissent. It is due to the Legislature that my reasons should be assigned.

In the first place, it appears that the principle of our alleviating-laws is opposed to the Constitution. On this question there has been much nice and able reasoning, and men of strong discernment as well as sound judgment have been found to differ. But it is the paramount duty of every public functionary to act on his own judgment: he can have no legitimate guide but this and his conscience. Believing, then, as I do, that the bill now returned to the Legislature does in principle impair the obligation of contracts, I cannot give it my assent. Secondly, the principle of our alleviating-laws is, in my opinion, unwise and inexpedient. It is now more than six years since the commencement of this system. During the intervening period, produce and property, although sometimes low in price, yet at others have yielded an abundant profit. Debtors in the mean time have made crop after crop. Those who were disposed to pay have done so; those otherwise inclined have diverted their income to other objects; whilst interest, with a constantly-accumulating hand, has been added to their embarrassments. The tendency of this bill is to continue the destructive course. The present customary price of produce, though not high, is yet sufficient for moderate profit; and although the public burdens

are increased by the war, and are likely to become more so, yet the same state of war creates a market for articles of provision to an extent of which no former times afford an example. The quantity of money in circulation, so far from being diminished, has greatly increased, and must continue to do so. The business of war in its various departments gives employment and profit to thousands who otherwise would have neither. The increased burdens of the war are therefore at least balanced by the increase of the sources of profit.

Contracts between individuals are matters of private right, and no reason of State can justify an interference with them. They are sacred things, and the hand of Government can never touch them without impairing public confidence. The alleviating system is believed to be injurious to the moral principles of the community. It accustoms men to consider their contracts as imposing no moral obligation, and, by making *fraud familiar*, destroys the *pride of honesty*. On the ground of expediency also, then, I feel compelled to withhold my assent from the bill. These views are respectfully submitted to the Legislature, and the bill herewith returned to the branch in which it originated.

PETER EARLY,
Governor.

Nov. 16, 1814.—The Senate took up the bill to continue in force An act supplementary to, and amendatory of, an act to alleviate the condition of debtors, passed the sixth day of December, 1813, which was dissented to by his Excellency the Governor; and on the question, Shall this bill constitutionally pass? it was determined in the negative; and the yeas and nays, being required, are Yeas, 20; Nays, 15.—*Senate Journal*, 1814, p. 38.

NOTE TO THE MEMOIR OF GOV. EARLY.

In the Appendix to this volume the reader will find some twenty letters or more from Gov. Early, incorporated in the memoir of Gen. Blackshear. Having reason to believe that many valuable papers connected with the public service had been preserved by Gen. Blackshear, the author applied to his sons for permission to examine, with a view of throwing light on some of the characters in his work. The request was kindly granted, and the search resulted in the discovery of a mass of letters and documents of such importance, relating to the war on the frontier and sea-coast of Georgia in 1813-14, that he determined to embody them in a connected form—so arranged as to be easily referred to—in an Appendix to the volume which contained the memoir of Gov. Early.

The letters from Gov. Early to Gen. Blackshear may be seen in the Appendix,—Nos. 18, 19, 21, 23, 26, 28, 31, 38, 41, 43, 50, 62, 67, 74, 80, 81, 89, 90, 91, 100, 101.

APPENDIX TO

THE HISTORY OF THE

Appendix.

MEMOIR

OF

GEN. DAVID BLACKSHEAR,

INCLUDING

LETTERS FROM GOVERNORS IRWIN, JACKSON,
MITCHELL, EARLY, AND RABUN,

AND FROM

MAJOR-GENERAL MCINTOSH, BRIGADIER-GENERAL FLOYD,

AND OTHER OFFICERS OF THE ARMY IN THE WAR OF 1813-14 ON THE
FRONTIER AND SEA-COAST OF GEORGIA;

AND ALSO

LETTERS FROM MEMBERS OF CONGRESS, DR. MOSES
WADDEL, AND OTHERS.

APPENDIX.

MEMOIR OF GEN. DAVID BLACKSHEAR.

THE ancestors of DAVID BLACKSHEAR were Germans. John Martin Francks,* James Blackshear, Philip Miller, and other immigrants came to America about the year 1732, and landed at New Berne, the colony-town established in North Carolina by the Baron De Graffenreid. They procured boats and ascended the river Trent some twenty miles, where they put ashore their goods and families. The country was unoccupied: the wilderness was not broken or a tree scarred by the axe when this little band of Europeans, with lusty sinews, brave hearts, and toiling hands, cast their destiny in the New World. They had no horses, no cattle, and, of course, no conveyance, nor could they obtain any, to transport their household stock which they brought with them from Germany,—bedding, clothing, provisions, and cooking-implements, and such other articles as they had provided for their forest home. They had no alternative but to pack as much upon each person as his or *her* strength would carry; for the families were noble specimens of *mankind*, full of health and of great physical endurance.

Thus equipped for the journey, they took up the line of march, and halted at what was afterward called New Germany, seven

* The author has had in his possession many years, among old family papers, the original passport, of which the following is a copy:—

North
Carolina, ss.

PERMIT the bearers hereof, William Franck and Theobold Christler, freemen, to pass through this Colony unmolested, in their way to Pensilvania, they behaving themselves as becometh.

GIVEN under my hand, this 10th Day of Sept. 1733.

Martin Franck,
Jacob Gist.

To all whom it }
may Concern. }

miles above the present village of Trenton, in then Craven, now Jones county. While on the way, laden with household goods, one of the females was assaulted by a half-grown bull, who, not liking the bundles or dinner-pots which she carried on her head, rushed at them with considerable fury. The matron, or damsel, whichever it was, seized her adversary by the horns and instantly twisted him over on his back, quietly remarking, "See that ugly calf!" There was no renewal of the attack.* The settlers at once went to work, entered land under the Colonial Government, and soon began to prosper and multiply.

Mr. Francks and his wife Civil had two daughters, named Catharine and Barbara. The former married Mr. Bush, one of the settlers, by whom she had two sons, John and William, and one daughter, Mary, who was born January 3, 1757. About this time Mr. Bush died, and his widow in a reasonable time intermarried with James Blackshear, and became the mother of eight other children, of whom DAVID BLACKSHEAR, the subject of this memoir, was the third. He was born on Chinquapin Creek, near Trent River, about seven miles above Trenton, on the 31st day of January, 1764.

Schools in those days were scarce. Occasionally a man could be engaged for three months—seldom for a longer time—in the same neighborhood. As a class, teachers were then a roving set, perhaps owing to the rough accommodations they received grating to their cultivated taste, (for they possessed a monopoly of learning,) or, what was probably the case, they had no confidence in the *good opinions* of their patrons after a certain *scholastic habit* had manifested itself, requiring new fields for sobriety. To a school of this description David Blackshear was sent, and had completed his quarter before the Revolutionary War broke out. Then a mere boy, about twelve years of age, he followed his two elder brothers in an expedition to Wilmington, and was present at the battle of Moore's Creek, February 27, 1776, at which Gen. Caswell commanded, to the entire defeat of the Tories. He was also with the Whigs in the skirmish at Buford's Bridge. Returning home, he again went to school three months, which was his last. He was instructed by Mr. Joseph Dews, either half or the whole of six months, his entire educational course. A noted Scotchman, named James Alexander Campbell Hunter Peter Douglass, kept school about the close of the Revolution, to whom many of the neighbors

* The author heard Gen. Blackshear relate this incident.

of the Blackshear family sent their children. The author, in his boyhood, has heard some of the old pupils laugh and tell that a whole Friday-evening class was flogged because they spelt "corn" as Mr. Douglass pronounced it,—*kor-run!*

While a scouting-party was out, consisting of James, Edward, and David Blackshear, Martin Francks, Peter Calloway, and others, fifteen or twenty in all, led by Captain Yates, in pursuit of the Tories, they stopped at Col. White's to stay all night to relieve their fatigue. James Blackshear, Martin Francks, and Mr. Calloway, being stronger than the rest, continued five or six miles farther, until they reached the house of Mrs. Blackshear. They had just entered, and were about sitting down to supper, when the dwelling was surrounded by Tories, and James Blackshear, her son, and Martin Francks, her nephew, were taken out of the house, carried to the end of the lane, tied to a stake, and there shot dead by the Tories. A negro man ran with the news to Col. White's. The colonel and his party were fourteen in number, and had but seven horses between them. They instantly mounted two on a horse, and set forth on the work of revenge. In the mean time, after killing Blackshear and Francks, the Tories concluded to capture and destroy the whole party of Whigs at Col. White's, and were near enough to the house to hear the orders given by Capt. Yates to his men as they left the gate. The Tories then divided into two companies, and lay in ambush on each side of the road to fire upon the Whigs. They did fire, killing one Whig and wounding several others, and, among them, Brock was shot through the thigh and Edward Blackshear through both hands, as he was riding on the same horse behind another man, with his hands holding his gun on the pommel of the saddle. Capt. Yates had his collar-bone broken and his horse killed under him. When the Tories opened their fire, the Whigs dashed back to get from between the double ambuscade. On coming up to the spot and finding one man dead, the Tories, supposing that the Whigs had fled, raised a shout of triumph. About this time, Capt. Yates, lying a few yards off, severely wounded as he was, raised his gun* and fired upon the group, killing one Tory captain and breaking the thigh of another, so that he was taken prisoner. They carried the wounded Tory captain to the stake and there shot him, within a few hours after the other frightful tragedy had occurred on the same spot. Soon

* The author has seen the old gun (a long one it was) in the possession of the late Col. James Shine, of North Carolina, who married Leah, a daughter of Captain Yates.

after the fatal discharge (fatal to the Tories) by Captain Yates, the Whigs rallied, killed several of the Tories, and crippled a good many others.

Thus closed the bloody proceedings of that night, still fresh in the tradition of the neighborhood. The lands adjoining were, in the boyhood days of the author, owned by Levin Lane, Richard Koonce, and Christopher Reynolds. Since these good old citizens have passed away, the Revolutionary homestead may have gone into other families.

It may be remarked here that the other daughter of John Martin Francks, Barbara, married Daniel Shine, who resided on Cypress Creek, ten miles above Trenton. She had the honor of entertaining President Washington at her house when he made his Southern tour in 1791. She died in 1814, at the age of ninety-five years. Afterward, her son, Col. James Shine, had President Monroe and his suite, in which was Mr. Calhoun, the Secretary of War, at his mansion in 1819, partaking of a splendid hospitality. John Bush, the eldest half-brother of Gen. Blackshear, is mentioned in a historical work* as an ensign, and John Bryan, a near family relative, as colonel, in the Revolutionary War. Lemuel Hatch, a leading name in the county of Jones, is mentioned on the same page as lieutenant-colonel. A new career is now to open.

ACTS AS SURVEYOR.

After the close of the Revolution, Mr. Blackshear made several trips to Georgia, in winter, with his surveying-instruments, and was active in running out and platting such lands as might be located in virtue of head-rights or other claims then allowed by the Government. He possessed a strong mind, which mastered whatever he undertook; and a little attention to mathematics taught him the use of Gunter's Scale, with which, aided by compass and protractor, he could measure lands by actual survey and give correct plats of his work. He performed much labor of this kind in the county of Wilkes during these excursions to Georgia, which he found quite profitable, besides making him acquainted with border life and the hardships of a new country in which he was soon to act so prominent a part.

REMOVAL TO GEORGIA IN 1790.

The information for which Mr. Blackshear and all his brothers were distinguished was acquired mostly by studying by torchlight

* Wheeler's History of North Carolina, vol. i. pp. 80, 81.

after the farm-labors of the day were ended. Indeed, all the family, brothers and sisters, possessed uncommon vigor of mind and great practical sense. They all managed their affairs prudently, and left large estates. Relative to such, the author takes it for granted that the following record will interest the reader:—

1. James Blackshear, born August 30, 1759; killed by the Tories of the Revolution.

2. Edward Blackshear, born January 20, 1762; removed to Georgia, married Emily G. Mitchell, and died in Thomas county in 1829. Gen. Thomas E. Blackshear is one of his sons.

3. DAVID BLACKSHEAR, born January 31, 1764.

4. Elizabeth Blackshear, born September 16, 1765; married Blake Bryan. Mrs. Mary Wimberly, widow of the late Maj. Gen. Ezekiel Wimberly, of Twiggs county, is their daughter.

5. Susannah Blackshear, born May 27, 1769; married Edward Bryan, who died on Cypress Creek, Jones county, North Carolina, about the year 1813. In a short time she removed to Georgia, at the instance of her brothers. She had five sons:—John Bryan and Edward Bryan, now residing in Florida; James Bryan, a citizen of Twiggs, and the late William Bryan and Joseph Bryan, of Early county, Georgia.

6. Elijah Blackshear, born July 17, 1771; never married; died in Laurens county in 1821.

7. Penelope Blackshear, born April 13, 1773; married Edward Bryan, who died in Twiggs county in 1825. She took the first premium of a silver pitcher ever offered in Macon for a bale of the best cotton. The late Elijah Bryan, of Florida, Thomas Jefferson Bryan, and Blackshear Bryan, of Twiggs, were her sons. Jennette, wife of Robert Hodges, of Louisiana, is her daughter. She had other sons and daughters, most of whom are dead. She died in 1839.

8. Joseph Blackshear, born September 7, 1775; married Winifred, sister of Col. William A. Tennille, late Secretary of State, and died in Laurens county, 1830.

Most of his relatives here introduced resided near him in Georgia, or within convenient visiting-distance. On his arrival, he found the frontier subject to Indian depredations, and he at once united with the few settlers on the Oconee to suppress them. He pitched his camp on the lands which he afterward owned, and on which he resided until his death. They are now in the possession of his sons, and include several thousand acres, with fine river-bottoms. This circumstance is referred to as showing that he did not waste

his time or his means in frequent removals. His skill and success as a planter, wine and sugar grower, will appear elsewhere in this memoir.

APPOINTED A JUSTICE OF THE PEACE.

The county in which Mr. Blackshear settled on his removal to Georgia was then called Washington. Laurens was formed afterward, with which his name is honorably identified. It seems that he had not been there many years before a public trust was tendered him, as will be seen by the following commission:—

GEORGIA.—By his Excellency Jared Irwin, Governor and Commander-in-Chief in and over the State aforesaid.

To DAVID BLACKSHEAR, Esq., greeting:—

By virtue of the power and authority in me vested by an act of the General Assembly of the State aforesaid, passed the twenty-second day of February, one thousand seven hundred and ninety-six, I DO HEREBY commissionate you, the said David Blackshear, a justice of the peace for Captain Blackshear's district, in the county of Washington in the said State.

You are therefore hereby authorized and required to do and perform all and singular the duties incumbent on you as a justice of the peace for the said district according to law and the trust reposed in you.

Given under my hand and seal, at the State-House in Louisville, this fourth day of June, Anno Domini one thousand seven hundred and ninety-six, and in the twentieth year of American independence.

JARED IRWIN.

By the Governor:

HORATIO MARBURY,

for

JOHN MILTON,

Secretary.

Another commission for the same office, dated 6th May, 1799, signed by Gov. Jackson, is before the author. It recites that the nomination was by the justices of the inferior court, and that "this commission is to continue in force during good behavior, or until removed by conviction, &c., or by the Governor on the address of two-thirds of each branch of the Legislature."

A couple of executions were found among the papers of Gen. Blackshear, which are here copied as a specimen of the olden time:—

Georgia,
Washington county. } To any lawful officer.

You are hereby commanded that of the goods and chattels, lands and tenements, of Sherwood Harper, you levy the sum of twenty dollars seventeen and one-third cents, and costs of suit, to satisfy two judgments in

favor of Seth Bishop, obtained in this court the 11th September last, and also the cost of this execution.

Given under my hand, this 9th of October, 1802.

DAVID BLACKSHEAR, *J. P.*

It will be seen that the magistrate saved labor by issuing one execution expressing the amount of several judgments,—which is somewhat different from the practice now, and what was intended by the Legislature. The old system, as here exemplified, was at least a saving of cost, and was perfectly in character with Justice Blackshear in doing things boldly by the shortest method.

Georgia,
Washington county. } To any lawful officer.

You are hereby *requested* that of the goods and chattels, lands and tenements, of Godfrey Dreher and Daniel McElduff, you levy and make the sum of one hundred and twelve dollars and forty-six cents, to satisfy three judgments obtained in our Justice's Court, the 9th January last, in favor of Major Hurst, and also interest from the judgment until paid, and cost of these executions, and make you your return agreeable to law.

Given under my hand, this 9th April, 1808.

DAVID BLACKSHEAR, *J. P.*

APPOINTED MAJOR OF BRIGADE.

The author has not been able to ascertain the time when Mr. Blackshear received the appointment of brigade-major,—an office, he presumes, corresponding with the present inspectorship of brigade. As far back as October 21, 1797, orders were issued to him as major by the Adjutant-General of the State, as may be seen by reference to Document No. 2, at the end of this memoir. That order for raising troops was founded on the prospect of war with France, growing out of President Washington's proclamation of neutrality. His brother, Joseph Blackshear, was appointed by Gov. Jackson captain of militia in the Washington county regiment, April 22, 1800, and was commissioned lieutenant-colonel of the regiment, November 23, 1812, by Gov. Mitchell.

HIS MARRIAGE.

Major Blackshear was so engrossed with Indian difficulties and in providing himself with the goods of life, that he had no time to wait upon the ladies and cultivate their favor until his thirty-ninth year, when, on the 2d day of December, 1802, he married Miss Fanny Hamilton, daughter of John Hamilton, Esq., of Hancock county. This was a family of great influence and position in society. Mrs. Blackshear had six brothers, all men of chivalrous bearing and manly virtues. Thomas Hamilton was afterward

aide-de-camp to Gen. Blackshear during the war, and Captain James Hamilton commanded a company of artillery in the same service, as may be seen by the orders of Gen. Floyd, at Darien, February 6, 1815, No. 99 in the papers attached to this memoir. William Hamilton was also in the army, and for a long time brigade-inspector,—a very accomplished drill-officer. He married two nieces of Gen. Blackshear, and daughters of his sister, Penelope Bryan. Duke Hamilton was brave as Cæsar, and also had a military rank. He fought a duel with General Brown, and wounded him in the head, though not mortally. Everard Hamilton is well known as the former Secretary of State under Gov. Troup's and Gov. Forsyth's administrations, including that of Gov. Gilmer from 1829 to 1831. He was in the staff of Gen. Floyd, and gallantly participated in several battles with the Indians, and soon after the war married a daughter of Gen. Floyd. He died in Savannah several years ago, much lamented. In all the relations of life he was upright, and bore the reverses of fortune with true Christian fortitude. He had succeeded, however, in latter years, in laying the foundation for a good estate, leaving his family quite independent. This notice of the brothers has been deemed necessary in connection with the family ties of Gen. Blackshear, and of the still further alliance that may be mentioned when the author comes to speak of the general's children.

The two sisters of Mrs. Blackshear were named Mary and Sarah. The former married George Hayes, Esq., of Clark county, and the latter married Robert Raines, who afterward resided in Twiggs county. Gen. Thomas E. Blackshear married Emily, one of her daughters, and Lucien H. Raines, her son, married Ann, daughter of Edward Blackshear, of Thomas county. It is thus seen, and could be shown still further, that there was extensive intermarrying in the family, all resulting in the utmost happiness.

FIRST LAND-LOTTERY.

As the correspondence of Gen. Blackshear, to be found attached to this memoir, shows that he was earnestly concerned for the acquisition of the Oconee lands, an extract from the Journal of the House of Representatives at the extra session in June, 1806, (p. 41,) is here given:—

Ordered, That the Clerk inform the Senate that this House is now ready to receive them in the Representative-Chamber, for the purpose of electing thirty-eight surveyors of districts, in conformity to an act to dispose of and distribute the late cession of lands obtained from the Creek

nation by the United States, in a treaty entered into at the city of Washington on the 14th of November, 1805.

Whereupon the President and members of the Senate attended, and, being seated in the Representative-Chamber, both branches proceeded by joint ballot to said election; and, on the ballots being received and counted, it appeared that

1. Abner Franklin had 71 votes.	20. William Watson had 55 votes.
2. Reuben Langstone, 68	21. William Downing, 53
3. William Mitchell, 68	22. James Alston, 52
4. Christopher Killbee, 67	23. James Cooper, 52
5. Hugh Montgomery, 67	24. Hughes Walton, 51
6. Levin Wailes, 66	25. John Carpenter, 49
7. Noah Paramore, 66	26. Thomas Cooper, 47
8. Abner Davis, 65	27. William Graves, 47
9. David Glenn, 64	28. David Creswell, 46
10. William Lott, 64	29. John Ragan, 45
11. Thomas Davis, 62	30. George D. Willis, 44
12. Hezekiah Luckey, 62	31. Isham S. Fannin, 41
13. John D. Terrell, 61	32. Moses Fort, 41
14. Reuben Dejernet, 61	33. Alexander Perryman, 41
15. Hugh McDonald, 61	34. Leonard Abererombie, 40
16. Garland Hardwick, 61	35. Cuthbert Reese, 40
17. Benajah Smith, 60	36. John Dyson, 39
18. David McCord, 60	37. John Moore, 38
19. Edmund B. Jenkins, 56	38. John Torrance, 38

And thereupon the President of the Senate declared the aforesaid persons duly elected.

YAZOO FRAUD.

As the declaration in 1807 may interest the public, especially as it sustains the action of Gen. Blackshear and other men of influence in opposing the Yazoo grant in 1795, the author copies the following resolutions, which may be found in Clayton's Digest, page 680:—

Whereas, in the year seventeen hundred and ninety-five, as will be recollected with emotions of indignation by every virtuous citizen of this State, a combination of influential and moneyed men succeeded, by *bribery* and *corruption*, in obtaining the passage of an act conveying the right of this State in a well-known portion of the western country called YAZOO, to several companies of purchasers: And whereas, the succeeding Legislature, duly convinced of the flagitious agency which had procured the act aforesaid, virtuously determined, by a rescinding law, to prohibit all contracts, conveyances, and grants originating in that fraud from being carried into effect, it solemnly becomes the duty of this Legislature to support and preserve consistent the reputation of this State, by denying the statement of a band of speculators, combined from New Hampshire to Mississippi, to embezzle the funds either of this State or the United States, and to riot on the profits of an extensive tract of country, in alleging *falsely* that the State of Georgia contemplated, in the articles of cession to the United States of her western territory in eighteen

hundred and two, *any compromise of the Yazoo claims in any way whatever*. And, inasmuch as it is important to the decision of Congress on this subject, and greatly to the dignity and justice of the State of Georgia, that the truth as it is in this matter should be fully and unequivocally defined, it is therefore unanimously

Resolved, by the Senate and House of Representatives of the State of Georgia in General Assembly met, That they have viewed, and still view, with abhorrence the attempt made by a set of unprincipled men, commonly known by the appellation of Yazoo men, to corrupt a majority of the Legislature of this State in the year 1795; which attempt was rendered abortive by the virtue of the succeeding Legislature.

Resolved, That it never was the intention of the Legislature of this State, when they ratified certain articles of agreement and cession entered into by commissioners appointed by the State of Georgia and the United States, to evince any desire to compromise claims that originated in fraud and which were rendered invalid by the State sovereignty.

Resolved, That the thanks of the Senate and House of Representatives of the State of Georgia be given to John Randolph, member of Congress from the State of Virginia, and the late majority of the Ninth Congress, for their virtuous and manly opposition to a compromise which would, in their opinion, equally compromise the dignity of the Government of the United States and the sovereignty of this State.

Resolved, That the Governor be requested to transmit copies of the foregoing resolutions to Mr. Randolph, to the Secretary of State, the Secretary of the Treasury, and the Attorney-General of the United States.

Approved by the Governor the 23d day of November, 1807.

APPOINTED BRIGADIER-GENERAL.

While following Major Blackshear to a higher commission, it may be well to refer the attention of the reader to a letter from Gov. Jackson, dated June 18, 1799, advising him in certain difficulties with the Indians and with border-trespassers. This document is marked No. 6, and is valuable as so much history of the times. As justice of the peace, he exerted a salutary influence in preserving the public order and in bringing lawless men to punishment. He served in that capacity, it is believed, until his higher military rank vacated the office, as will appear by the following commission:—

STATE OF GEORGIA.—By his Excellency David B. Mitchell, Governor and Commander-in-Chief of the Army and Navy of this State and of the Militia thereof.

To DAVID BLACKSHEAR, Esquire,—greeting:

We, reposing especial trust and confidence in your patriotism, valor, conduct, and fidelity, do by these presents constitute and appoint you brigadier-general of the second brigade of the fifth division of the militia formed for the defence of this State and for repelling every hostile invasion thereof. You are therefore carefully and diligently to discharge the duty of brigadier-general by doing and performing all manner of things thereto belonging. And we do strictly charge and require all

OFFICERS and PRIVATES under your command to be obedient to your orders as brigadier-general. And you are to observe and follow such orders and directions, from time to time, as you shall receive from me or a future Governor and Commander-in-Chief of this State for the time-being, or any other of your superior officers, in pursuance of the trust reposed in you. This commission to continue in force during your usual residence within the brigade to which you belong, unless removed by sentence of a court-martial, or by the Governor, on the address of two-thirds of each branch of the General Assembly.

Given under my hand and the seal of the Executive, at the State-House in Milledgeville, this ninth day of December in the year of our Lord one thousand eight hundred and twelve, and of the Independence of the United States of America the thirty-seventh.

D. B. MITCHELL.

By the Governor :

ABNER HAMMOND,
Secretary.

It was not long after receiving this appointment before he was called into active service, as the military correspondence attached to this memoir will show.

WAR OF 1813, 1814, AND 1815.

Merely as a guide to the official papers wherein the several matters are fully set forth, the author has prepared the following summary:—

No. 11. A letter from Gov. Mitchell, to afford security to the inhabitants within the brigade in view of Indian hostilities. Aug. 4, 1813.

No. 12. Orders to Col. Wimberly to man certain forts for the protection of the frontier. August 7, 1813.

No. 13. Report to Gov. Mitchell on measures taken to build forts in certain counties. August 13, 1813.

No. 14. Letter from Gov. Mitchell, suggesting economy and certain works of defence. August 14, 1813.

No. 15. Orders to Col. Joseph Blackshear to have certain difficulties brought before a court of inquiry. September 3, 1813.

No. 16. Orders to Col. Wimberly to discharge the men on duty in Twiggs county. September 14, 1813.

No. 17. Orders from Maj. Gen. Adams to raise certain troops and build stockades and block-houses on the frontier. November 19, 1813.

No. 18. Letter from Gov. Early respecting pay-roll, thanking Gen. Blackshear for his ideas on the subject of defence, &c. Dec. 2, 1813.

No. 19. Letter from Gov. Early, tendering the command of the

army to Gen. Blackshear, in consequence of the disability of Gen. Floyd to take the field. January 4, 1814.

No. 20. Letter to Gov. Early, noticing the plan of the campaign as given by Maj. Gen. McIntosh, and the contradictory rumors about the British and Indians at Appalachicola, and his objections to the Indian regiment under Col. Hawkins. January 13, 1814.

No. 21. Letter from Gov. Early relative to the contemplated road from the Ocmulgee River to St. Mary's, and asking a personal interview with Gen. Blackshear. April 19, 1814.

No. 22. Orders from Maj. Gen. Adams to call out the first class of the militia for discipline.

No. 23. Letter from Gov. Early in regard to detachment of first class of militia, to be commanded by a major-general and two brigadier-generals,—offering the latter to Gen. Blackshear and Gen. Floyd. July 16, 1814.

No. 24. Letter to Gov. Early, accepting the appointment of brigadier-general in the detachment of first class of militia. July 20, 1814.

No. 25. Letter from Maj. Freeman, the Governor's Secretary, stating provision for camp-equipage, and also that the British were reported to be in great force, having ten vessels-of-war at Appalachicola, and that Gen. Jackson had concluded a treaty of limits with the Creek Indians, &c. August 25, 1814.

No. 26. Letter from Gov. Early, notifying that the War Department had called on Georgia for 3500 militia for United States service. September 1, 1814.

No. 27. Letter from Col. Allen Tooke, giving certain alarms of an attack on Hartford by the Indians. September 8, 1814.

No. 28. Orders of Gov. Early for a detachment of cavalry to explore the country between the Ocmulgee, opposite Hartford, and Flint River, to ascertain the route for a road, &c. Sept. 17, 1814.

No. 29. Letter to Captain Richard Thomas, detailing his company of mounted men for the exploration between Hartford and Flint River. September 19, 1814.

No. 31. Orders from Gov. Early to muster certain commands into the United States service. October 21, 1814.

No. 32. Letter from Parish Carter, army-contractor, as to the issuing of rations. November 23, 1814.

No. 33. Letter from Parish Carter, army-contractor, applying for an escort for the protection of his cattle and hogs. November 23, 1814.

No. 34. Orders from Maj. Gen. McIntosh to organize the detach-

ment into two regiments and a battalion,—prescribing the companies to each, regulations for the quartermaster's department, &c. November 24, 1814.

No. 35. Letter from Major Mark Hardin, giving certain reports of Gen. Jackson's success over the British near New Orleans; a naval battle by Capt. Blakely; failure of Gen. Izard on the Niagara frontier; firmness of Gov. Early in suppressing certain disorderly conduct of a military corps at Milledgeville; Austria taking the field against Napoleon; diversion of Lord Hill from America with his fleet; improvement of Georgia troops under drill, &c. November 27, 1814.

No. 37. Order from Maj. Gen. McIntosh to have Capt. Williams's and Capt. Thomas's companies consolidated into one in Col. Wimberly's regiment. December 8, 1814.

No. 38. Letter from Gov. Early, ordering the command of Gen. Blackshear to the Seminole settlements, sixty miles west of Flint River. December 9, 1814.

No. 39. Orders from Maj. Gen. McIntosh for Gen. Blackshear to march with Col. Wimberly's regiment of infantry from Camp Hope to Hartford, and from thence by opening a road in the most direct way to Flint River. December 14, 1814.

No. 40. Letter to Col. Allen Tooke to have certain tools furnished for building flats, &c. December 12, 1814.

No. 41. Letter from Gov. Early, inquiring the probable time the troops will leave Hartford for Flint River, that he may furnish a mounted reinforcement. December 14, 1814.

No. 42. Orders to Col. Wimberly and Maj. Lawson to take up the line of march. December 16, 1814.

No. 43. Letter from Gov. Early, granting the use of the public tools at Hartford; time of marching left discretionary; Capt. Thomas's cavalry to attend the troops to Flint River, &c. Dec. 16, 1814.

No. 44. Letter from Maj. Gen. McIntosh, stating that Col. Hawkins had been informed by a runner from Forbes's Store that ten British vessels were at anchor near Deer Island,—seven of them very large, each with two thousand men on board,—and the other smaller vessels were loaded with presents for the Indians; that the British had built a strong fort at Forbes's Store and were landing their troops, part of whom were negroes; that the British had invited the Indians to come and receive presents. Gen. Blackshear's command must proceed with all diligence to the point of their destination, at the confluence of the Chattahoochee and Flint Rivers. December 19, 1814.

No. 45. Letter to Gov. Early, transmitting list of delinquents and deserters, delay in crossing the river at Hartford for want of tools to build flats, &c. December 23, 1814.

No. 46. Orders to Capt. Thomas to hold his troop of horse of one hundred men in readiness to march on a tour of five months. December 23, 1814.

No. 47. Orders to Capt. Groce to hold in readiness all the first class of Pulaski county militia, and to apprise Maj. James Patton of the time and place of rendezvous. December 23, 1814.

No. 48. Letter to Gov. Early, informing him that part of the army had crossed the Ocmulgee at Hartford, and that the whole would be over as soon as one flat could transport them; that supplies were scant and great deficiency in the quartermaster's department; no contractor; rations short. Intended to proceed, whether he had rations or not, &c. December 28, 1814.

No. 49. Letter to Maj. Gen. McIntosh, stating that the command had crossed the river at Hartford, and that a detachment had opened the road and built bridges, so that the next day the march would begin, reaching first depôt in six days. Had no quartermaster-general, and only a forage-master to act for him. Without funds; not more than one day's rations ahead, and sometimes less; no contractor. He would persevere in obedience to orders, whether he had supplies or not. December 30, 1814.

No. 50. Letter from Anthony Porter, Secretary to the Governor, relative to tents, pistols, and other supplies, Capt. Thomas's cavalry, &c. December 30, 1814.

No. 51. To Major James Patton, ordering the first class of militia in the frontier-districts of Twiggs county to be in readiness to join the first class of Pulaski county, under the command of Capt. William H. Groce. December 23, 1814.

No. 52. Report of Alexander McDonald, assistant forage-master, on the state of supplies, transportation of corn, &c. December 31, 1814.

No. 53. Letter from Capt. Richard H. Thomas, stating that he had applied to the Executive Department for tents, pistols, and swords for his troop. January 1, 1815.

No. 54. Letter from Wilson Navey, principal forage-master, explaining certain irregularities, and that a better system would be observed in future. January 1, 1815.

No. 55. Letter from A. McDonald, giving the particulars of the accident at the ferry opposite Hartford, the sinking of the flat with public stores, &c. January 3, 1815.

No. 56. Orders to A. McDonald respecting transportation of

tools, baggage, supplies, &c., and escort, when necessary. January 3, 1815.

No. 57. Letter to A. McDonald, reminding him that, as agent for the quartermaster's department, it was his duty to make and repair bridges and roads, to build boats, &c. for the army. January 4, 1815.

No. 58. Copy of a letter from Col. Hawkins to Gen. McIntosh, touching certain Indian murders and conduct of the British at Forbes's Store, vessels, troops, tampering with the Indians, &c. January 4, 1815.

No. 59. Letter to Col. Hawkins, requesting him to recommend some twenty Indians to act as guides, interpreters, spies and messengers in the nation, for the use of the army, &c. January 5, 1815.

No. 60. Letter from Maj. Gen. McIntosh, regretting that he had ordered Gen. Blackshear's command to Flint River, as information from Mobile showed danger in that quarter. Forced marches were necessary. Go on, as the detachment, with the aid of Col. Hawkins's Indian regiment, would subdue the hostile tribes, then for Gen. B. to proceed with his army direct to the Mobile territory to form a junction, &c. January 5, 1815.

No. 61. General orders to the command about firing on the Indians during the march, to avoid communicating the strength, route, or object of the army, and always to respect the bearer of a white flag. January 6, 1815.

No. 62. Letter from Gov. Early, enclosing copies from Generals McIntosh and Winchester, showing the imperious necessity for a change of route, and of marching at once to overtake Gen. McIntosh before he reached Mobile. Route to be left at discretion, &c. January 6, 1815.

No. 63. Letter to A. McDonald, notifying that the first 30,000 rations must be hauled from Hartford, and that on 13th inst. the second 30,000 will be on demand; that a place of deposit must be built for the public stores, and a fort for defence on Flint River, &c. January 7, 1815.

No. 64. Report from A. McDonald that he had started four wagons, and would start five more next day, with provisions for the army and forage for the horses, from Hartford. January 7, 1815.

No. 65. Letter from Maj. Gen. McIntosh, giving intelligence received from one of his confidential Indians of the proceedings of the enemy at Forbes's Store; that the British had 13,000

troops near New Orleans, marching on that city, had laid Pass Christian in ashes; that Gen. Jackson had ordered all the free people of color to take up arms; that eleven British barges had been sunk, with their crews, and five American gunboats had been taken,—all rendering it necessary to call for a battalion from Gen. Blackshear's command to support Gen. Jackson, and then leave enough, with Col. Hawkins's reinforcement of 1000 warriors, to protect the Georgia frontier, &c. January 9, 1815.

No. 66. Orders to A. McDonald to have forthwith twenty-six empty wagons at the camp on Flint River (exclusive of those on the way) for transportation, &c. January 8, 1815.

No. 67. Letter from Gov. Early, countermanding the orders of Gen. McIntosh to march on Mobile, leaving the detachment to pursue the route it was going. January 10, 1815.

No. 68. Report of Wilson Navey that he had shipped a boat-load [barge] of flour and corn to Fort Barrington for the army, when it shall reach there. January 10, 1815.

No. 69. Letter from Maj. Gen. McIntosh, approving the Governor's orders, of 6th inst., to march for Mobile, and urging rapid movement for that purpose. Col. Hawkins to remain for the chastisement of the Seminoles or any other hostile Indians. January 11, 1815.

No. 70. Talk from Col. Hawkins, U. S. Agent, to be delivered by Gen. Blackshear to Jack Kennard, a half-breed, to render such service as the general may require, &c. January 11, 1815.

No. 71. Letter from Col. Hawkins by Coe-c-maut-lau, of Casse-tau, express, with despatches for the army, and with a *talk* to the chiefs of Am-mic-cul-le. January 11, 1815. (See No. 72.)

No. 73. Letter to Maj. Gen. McIntosh, reporting march from the Ocmulgee 31st ult., and arrival at Flint River on 6th inst., cutting and hauling timber for a fort, return of wagons to Hartford for supplies, when, on 8th inst., received the Governor's letter (No. 62) changing route from Appalachicola to Mobile; sickness of troops, &c. January 11, 1815.

No. 74. Letter from Gov. Early in relation to hospital-stores under the care of Maj. A. B. Fannin. January 12, 1815.

No. 75. Letter to Gen. Floyd, on march down the Altamaha for the defence of the seaboard. (Without date.)

No. 76. Letter to Gov. Early, expressing regret at the unfounded rumors from Col. Hawkins's Indian runners about the British at Forbes's Store upon which the order of 9th, taking one battalion, was issued by Gen. McIntosh, and, after that, the imperative order

of 11th to march with whole command for Mobile. The field clear, Col. Hawkins can keep as many of his Indians under pay and rations as he may think necessary, and then write and talk, and talk and write, to his satisfaction. January 14, 1815.

No. 77. Letter to Maj. Gen. McIntosh, recapitulating that on 12th inst. he received orders to co-operate with Col. Hawkins against the British and Indians on the frontier of Georgia. Now, just received two orders,—9th and 11th,—directing whole force to Mobile, pursuant to the Governor's order of 6th inst. Shall retrace steps and take your route at Fort Hawkins, to form junction for the defence of the Mobile country. January 14, 1815.

No. 78. Letter from Timothy Barnard, an educated and trusty half-breed Indian, sending a red man of Chohaw as express, with a letter from the Agency. January 14, 1815.

No. 79. Letter to Gov. Early, acknowledging receipt, on 14th inst., of imperative orders from Gen. McIntosh, dated 11th inst., to march with whole force to Mobile. Suggests that some changes are necessary, &c. January 15, 1815.

No. 80. Letter from Gov. Early, expressing regret at the frequent change of route; will have to send 500 troops on State account to accomplish the object first in view, to be commanded by Maj. Freeman. January 16, 1815.

No. 81. Letter from Gov. Early, stating the crisis on the sea-board, —fifteen ships-of-the-line, seven frigates, and a number of smaller vessels, landing on Cumberland Island; that the British barges occupy all the sounds and inlets between St. Mary's and Brunswick; from the necessity of the case, *the proposed march to Mobile is countermanded, and Gen. Blackshear's whole force ordered to the point invaded,—the sea-coast of Georgia. January 19, 1815.

No. 82. Orders to Farish Carter, army-contractor, to keep 30,000 rations on hand monthly, and to cause no delay in the movement of the troops for want of provisions. January 21, 1815.

No. 83. Letter to Capt. Lane, directing the quartermaster-general's department to call on the ordnance-department for at least five hundred pounds of best powder and ten reams of cartridge-paper, and forward to army on its march to Darien. January 21, 1815.

No. 84. Letter to Maj. Gen. McIntosh, stating obedience to orders he had given, and that while on way by Hartford for Mobile the Governor's order turned the command in another direction. The peculiar state of things led to a breach of his

orders; but it was believed the course of his Excellency would be sanctioned. January 21, 1815.

No. 85. Letter to Gov. Early, notifying that last orders had been obeyed, and the army was marching for the seaboard,—the Governor assuming the responsibility of a breach of the major-general's orders. January 22, 1815.

No. 86. Letter from Maj. Gen. McIntosh at Fort Decatur compliments Col. Boothe in building boats for transportation down the Tallapoosa and Alabama Rivers to Mobile, and expressing a hope that Gen. Blackshear's command will join in eight or ten days. Gen. Jackson had been skirmishing with the enemy near New Orleans, (battle of the 8th not then heard from.) January 22, 1815.

No. 87. Letter from Maj. Gen. McIntosh, urging forward, and expressing the hope that command would join him at the Tallapoosa by 5th or 6th February, when he expected to be ready to take boats for Mobile. January 23, 1815.

No. 88. Letter from Maj. A. B. Fannin, Deputy Quartermaster-General of the United States Army, respecting the delivery of rations at certain points, increased diligence of the subordinates in future, &c. January 24, 1815.

No. 89. Letter from Gov. Early, stating that all the country south of the Altamaha was in possession of the British; that the people had fled, and the militia and regulars had retreated across the river. It was supposed that the enemy intended to march by land on Savannah. Suggestions were made as to depôts, and the employment of vedettes to observe and inform as to their movements. January 25, 1815.

No. 90. Letter from Anthony Porter, Secretary to the Governor, sending a *Savannah Republican* of 17th instant, containing certain letters to Gen. Floyd, detailing the operations of the enemy near St. Mary's, &c. January 25, 1815.

No. 91. Letter from Anthony Porter, stating that he had sent by wagon four hundred pounds powder, a lot of cartridge-paper, and five boxes containing in all 14,850 musket-cartridges, for the command. January 25, 1815.

No. 92. Letter of A. McDonald, exculpating himself for delay in transportation, &c. January 22, 1815.

No. 93. Orders to the army-contractor for 100,000 complete rations, to be delivered at St. Savilla Bluff on the Altamaha. January 27, 1815.

No. 95. Letter to Gov. Early, detailing progress of the

detachment, with remarks on the contractor and quartermaster-general's department; short of rations and forage. January 27, 1815.

No. 96. Letter from Gen. Floyd, noticing the conduct of the British in pillaging St. Mary's and destroying the fort and magazine at Point Peter, the seizure of all vessels in the *waters* of the St. Mary's. Force about two thousand, of which number four hundred are said to be black. The stations of troops and their officers are noticed as defending the coast. January 31, 1815.

No. 97. Letter to Gen. Floyd reporting advance, with detention occasionally from high waters and extensive swamps almost impassable from the great number of wagons flying from the invaded district. Force a little above eight hundred. The sick left at Hartford are beginning to join the army. February 2, 1815.

No. 98. Letter to Captain A. A. Massias, stating that command would arrive at Fort Barrington in the evening; that a *feu-de-joie* of nineteen guns had been fired at Fort Hawkins on the Monday previous, because of the victory gained by Gen. Jackson over the British at New Orleans. February 4, 1815.

No. 99. Orders from Gen. Floyd distributing troops at certain stations, and placing Darien and its vicinity under the special protection of Gen. Blackshear. February 6, 1815.

No. 100. Letter from Gov. Early, stating that Gen. McIntosh had fully approved the diversion of the command from Mobile to the coast. February 8, 1815.

No. 101. Letter from Anthony Porter, enclosing commissions for officers in the command, to fill certain vacancies. February 8, 1815.

No. 102. Orders from Maj. Gen. Pinckney in regard to arrests by military authority, &c. February 8, 1815.

No. 103. Orders from Gen. Floyd, detaching from command one full company to join the local militia under Maj. Hopkins, for the purpose of preoccupying Sapelo Island in order to repel any hostile attempt of the enemy. February 12, 1815.

No. 104. Letter from Gen. Floyd, stating that it was confidently believed the preliminaries of peace had been signed at Ghent on 24th November, though it would be unwise and impolitic to rely on its probability. February 12, 1815.

No. 105. Orders from Maj. Gen. Pinckney to muster the first regiment, and part of second and thirtieth regiments, and certain companies of dragoons and militia. February 13, 1815.

No. 106. Letter to Gen. Floyd, giving information of certain

pillaging-parties of the British in the neighborhood of Darien. February 13, 1815.

No. 107. Orders from Maj. Gen. Pinckney, discharging certain troops from the service of the United States. February 14, 1815.

No. 108. Letter of the Secretary of War to Gen. Pinckney, announcing that a treaty of peace was concluded between the United States and Great Britain at Ghent, on 24th December last, and that hostilities between the troops of the two countries should cease. February 14, 1815.

No. 109. Orders to the military-store keepers. February 16, 1815.

No. 110. Letter to Maj. Hopkins, notifying him of the official intelligence of peace, and ordering the troops under his command to be mustered, &c. February 25, 1815.

No. 111. Letter from Gen. Floyd, describing the celebration of the news of peace in Savannah,—the illuminations and music, military parade, and other rejoicing. February 25, 1815.

No. 112. Orders from Gen. Floyd, discharging the militia from the service of the United States within the State of Georgia, &c. &c. February 27, 1815.

Though not a part of the official communications relating to the war, two letters addressed to Gen. Blackshear, descriptive of the conduct of the British on the coast of Georgia, have been included in the papers connected with this memoir. One was from John Sawyer, Esq., dated January 27, 1815, and is marked No. 93; and the other was from Gen. John Houstoun McIntosh, dated April 2, 1815, and is marked No. 113,—both of which are interesting and worthy of perusal. The high sources from which they emanated sufficiently guarantee the facts.

The routes of the army, marches and countermarches, may be ascertained from the correspondence of which an abstract has been given. It is not necessary to dwell on the incidents of the campaign or of the character of Gen. Blackshear as a commander. That he acted wisely, promptly, and to the satisfaction of his superiors in authority, as well as to the people of Georgia, is fully shown by the following vote of thanks:—

IN SENATE, December 12, 1815.

On motion of Mr. Charlton:—

The late war with Great Britain being closed by an honorable peace imposes upon the Legislature of this State the duty of approving the conduct of those defenders of their country who deserve it, and who have not heretofore received the tribute of applause due to their services. And

in tendering this public expression of Legislative thanks and gratitude, the General Assembly of this State are first attracted by the gallant and determined manner the late Major-General McIntosh, and the present Brigadier-General Blackshear, their officers and men, obeyed the call of the State, and promptly marched in the most inclement season to meet the enemy then threatening a neighboring territory of the United States, and, with a zeal and patriotism highly honorable to this army, endeavored to meet the foe, in despite of danger or his discipline and superiority of numbers. Wherefore,

Be it Resolved, unanimously, by the Senate and House of Representatives of the General Assembly of the State of Georgia, That the Legislature, for and in behalf of the free people of this State, render their thanks to the said Major-General McIntosh and Brigadier-General Blackshear, and the brave officers and soldiers under their command.

And whereas, during the late invasion of this State, an army was placed under the command of Brigadier-General John Floyd, who, as commander of the militia of this State, had under his orders various officers, soldiers, and volunteers, exerting themselves in defence of their insulted and invaded country, whose general conduct and bravery met the approbation of the said General Floyd :

Be it therefore Resolved, unanimously, by the authority aforesaid, That the thanks of this Legislature, acting for the free people of this State, be, and the same are hereby, tendered to the said General Floyd for his gallant and patriotic services, as also to the officers, soldiers, and volunteers under his command, in the service lately performed in the eastern division of this State.

Be it further Resolved, That copies of these resolutions be presented by his Excellency the Governor to Major-General McIntosh, Brigadier-General Blackshear, and to General Floyd.

Approved, December 16, 1815.

OCONEE NAVIGATION.

At the close of the war, Gen. Blackshear returned to his farm in Laurens county. At the session of 1815 the Legislature appointed him a member of the Board of Commissioners for the Improvement of the Navigation of the Oconee River, to admit the passage of boats, from its junction with the Ocmulgee, to Milledgeville. This employment cost him much time and labor, without any other reward than the consciousness of having done what might be useful to the public. As the author, more than twenty-five years ago, had a brief official connection with the board, he submits the following documents, which will serve as a better explanation than any he could now give on the subject :—

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, January 7, 1831.

SIR :—I enclose to you an order from this Department appointing you agent for the State, to complete the settlement with the commissioners of the Oconee River, (which has been in part effected by the former State Agent, Richard K. Hines, Esq.,) in pursuance of resolutions of the

Legislature passed at its last session, a copy of which is also enclosed for your information and direction.

Very respectfully, yours, &c.,

GEORGE R. GILMER.

STEPHEN F. MILLER, Esq.

[ENCLOSURE.]

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, January 7, 1831.

Ordered, That Stephen F. Miller, Esq. be, and he is hereby, appointed agent for the State to complete the settlement with the commissioners of the Oconee River, (which has been in part effected by the former State Agent, Richard K. Hines, Esq.,) in pursuance of resolutions of the Legislature, approved December 23, 1830.

By the Governor :

MILLER GRIEVE,

Secretary Ex. Dep.

REPLY TO THE AGENT.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, February 17, 1831.

SIR :—Your letter of the 14th inst. has been received, and I have been instructed by the Governor to transmit to you the enclosed copy of Mr. Hines's report, a copy of the receipts given by the commissioners of the Oconee Navigation Association, and the copy of the report of the committee of the late board, taken from their book of minutes at pages 35, 36, 37, and 38, referred to by Mr. Hines.

I am, very respectfully, your obedient servant,

E. H. PIERCE,

Secretary Ex. Dep.

STEPHEN F. MILLER, Esq.,

Agent, &c.

Condensed view of the account accompanying R. K. Hines's Report as Agent for settling with the Oconee River Commissioners.

Appropriations.....	\$20,000 00	Amount disbursed.....	\$16,959 87½
Bank-stock.....	10,000 00	Notes for money loaned..	6,106 64½
Dividends on bank-stock...	1,050 00	Notes for hire.....	776 42
Cash of R. A. Blount, Sec'y	459 43	Bank-stock.....	10,000 00
Sale of Bias.....	455 00	Cash in treasury.....	1,400 00
Hire of public hands.....	2,760 36	Cash in hands State Agent	98 79½
Interest on money loaned..	616 94½		
	<hr/>		<hr/>
	\$35,341 73½		\$35,341 73½

THE GOVERNOR'S COMMUNICATION.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, November 18, 1831.

TO THE SENATE:—I herewith lay before the General Assembly the report of Stephen F. Miller, Esq., the agent appointed for the State to complete a settlement with the Commissioners of the Oconee River, under the resolution of the General Assembly, passed on the 23d of December, 1830.

WILSON LUMPKIN.

AGENT'S REPORT.

MARION, November 1, 1831.

SIR:—The resolution of the Legislature passed 23d December, 1830, under which your Excellency appointed me agent for the State to complete a settlement with the Commissioners of the Oconee River, left no particular direction how it should be carried into effect. In fixing a point of time at which to commence my labors, the report made in the Senate the 2d December, 1824, in which the funds and property of the association were ascertained up to that date, readily occurred to me as the most proper and conclusive. I have therefore limited my investigation from that time to the organization of the new board created by the act of 26th December, 1826, for the improvement of the Oconee River below Carter's Bridge, opposite Milledgeville, believing that I was foreclosed by the facts contained in that report from making inquiries beyond it. As the basis, then, upon which I have acted, I have charged the commissioners with having had "under their control eighteen working-hands, ten thousand dollars in bank-stock, five hundred and fifty-one dollars and forty-seven cents in notes, accounts, and attorneys' receipts, and one hundred and twenty dollars cash on hand" the 2d December, 1824, and the sum of three thousand dollars appropriated by act of the 22d December, 1825, together with the sum of two hundred and twenty-nine dollars and ninety-five cents received from Mr. John T. Rowland, in 1826, as a balance for hire of the public hands. These furnish the debits of the board, and by these I have made the settlement.

It may not be amiss to consider briefly the origin of the Oconee Navigation Association. The Legislature, by act of 16th December, 1815, appointed a board, consisting of five individuals, to improve the Oconee River, with authority to pursue such measures, under the direction of the Governor, as he might deem most proper to accomplish the object of the appropriation, thereby made, of ten thousand dollars; in addition to which, the further sum of ten thousand dollars was allowed by act of the 19th December, 1817. By the act it became "the duty of the commissioners to make a fair, just, and regular return, every six months, to his Excellency the Governor, of all disbursements made by the commissioners, and of the progress made by them in clearing out the obstructions in the said river." When the commissioners ceased to obey this direction the agent has not been informed, but presumes it was complied with until the Legislature of 1824, when it was "*Resolved*, That said commissioners are entitled to the highest confidence for their strict attention and indefatigable exertions in promoting the interest of the State so far as respects the improvement of said river." With this evidence before me, I felt bound to assume the state of the institution as presented in that report as the true basis to start upon. The commissioners have produced to me vouchers for all the expenditures made by them from the 2d December, 1824, to 1st February, 1827, about which latter time the new board went into operation; and I herewith submit copies of all the vouchers thus produced, marked from 1 to 30 inclusive,—the commissioners desiring to retain the originals, which I agreed to return to them.

By the account-current herewith transmitted, it is shown that the commissioners, in the time to which I have confined my examination, have had under their control the sum of thirteen thousand nine hundred and one dollars and forty-two cents, in disposable funds, including bank-stock, and that they have expended thirteen thousand five hundred and ninety-eight

dollars and thirty-seven cents, and that the sum of five hundred and fifty-one dollars and forty-seven cents remains on hand in "notes, accounts, and attorneys' receipts," mostly on insolvent persons, and all barred by the statute of limitations. I have inspected a list of these debts, a copy of which is marked No. 30, and was informed by Col. Blount that no part had been collected. Those corresponding in amount and description with those mentioned in the report of 1824 are believed to be the same, and the only bad debts which accumulated in the hands of the commissioners during their service, by which a balance of one hundred and forty-eight dollars and forty-two cents is left in favor of the commissioners, exceeding their receipts. The public hands were increased to twenty-one, sixteen of whom were delivered to the marshal of Milledgeville, as will be seen by a copy of his receipt, marked A, and a part of the balance sold, and others died. None of the proceeds of sale were received by the commissioners with whom I settled, but their successors, for which Mr. Hines, former States' Agent, has accounted.

In the report of Mr. Hines, acted upon by the last Legislature, allusion was made to a settlement which Col. Blount, in behalf of the board, had made with Gen. Blackshear for moneys received and expended by the latter. This reckoning extended several years beyond the report in Senate of 1824, and was simply an ascertainment, between members of the same board, how funds committed to each had been applied. Col. Blount was of opinion, as stated in his letter to Mr. Hines, that he had omitted to charge Gen. Blackshear with five hundred dollars received from John T. Rowland. In that settlement, a copy of which I have before me, it is perceived that Gen. Blackshear was charged with ten hundred and twenty dollars received from Mr. Rowland, generally, without referring to any particular date. I considered it due to the State, to all the members of the board, and particularly in justice to Gen. Blackshear, that this should be sought into and explained, and herewith submit a copy of Col. Blount's communication to me, marked B, and the account it enclosed, marked C, which puts the matter at rest. By the document which I have taken as a guide, I am clearly impressed that the State as well as commissioners acquired rights which it is not my business to disturb, and that all transactions between the parties up to 2d December, 1824, are adjusted by solemn legislation.

I have thus endeavored, in the best manner of which I am capable, to perform the duties required by my appointment, and earnestly hope that the result may be approved by your Excellency and satisfactory to the Legislature. I am, most respectfully, sir, your obedient servant,

STEPHEN F. MILLER.

His Excellency GEORGE R. GILMER.

The communication of the Governor and report of the Agent were referred to the Committee on Agriculture and Internal Improvement.

REPORT OF THE COMMITTEE.

IN SENATE, December 16, 1831.

The Committee on Agriculture and Internal Improvement, to whom was referred the report of Stephen F. Miller, the agent appointed under

a resolution of the last Legislature to effect a full settlement with the Commissioners of the Oconee River below Milledgeville, together with the accompanying documents, have had the same under their attentive consideration, and ask leave to submit the following report:—

The agent has properly, in the opinion of the committee, limited his investigation to the period between the 2d December, 1824, at which time the funds and property of the association were ascertained, a satisfactory report made thereon to the Legislature, and the creation of the new board by the act of 26th December, 1826. By the account-current accompanying the report, it appears that the commissioners have had in disposable funds, including bank-stock, \$13,901 42, and that they have expended \$13,498 37,—leaving a balance in the hands of the commissioners of \$403 05. The agent remarks that the balance against the commissioners consists chiefly of notes, accounts, and attorneys' receipts, mostly on insolvent persons, and all barred by the statute of limitations, and that he was informed by Col. Blount that no part of the same had been collected. The agent also states that he has inspected a list of these debts, a copy of which is appended to his report, marked No. 30; that they correspond in amount and description with those mentioned in the report of 1824; that they are in his opinion the same, and that they are the only bad debts which accumulated in the hands of the commissioners during their service. Admitting that the commissioners have done all that could have been reasonably expected of them in the collection of these debts, there would be a balance in their favor of \$148 42; but this they do not even assert, nor does it appear that all of the above-mentioned debts were bad; so that the committee cannot assume the settlement to be complete until those evidences of debt are more satisfactorily accounted for; and in no event, in the opinion of the committee, could the commissioners rightfully charge the State more than the amount of the funds placed in their hands: though it is the opinion of the committee, under the circumstances as they are presented in the report of the agent, that a further prosecution of the settlement with the commissioners would only result in expense to the State without any corresponding benefit.

The public hands under the control of the commissioners have been accounted for to the satisfaction of the committee.

It appears by the report of Mr. Hines, made to the late Governor and acted on by the last Legislature, that Col. Blount believed he had omitted to charge Gen. Blackshear with \$500 paid him by Mr. Rowland: it now appears that the transaction took place previous to the settlement acted on by the Legislature in 1824, and consequently, in the opinion of the committee, must have been accounted for in that settlement. The committee, in conclusion, respectfully recommend the adoption of the following resolution:—

Resolved, That the further interference of the Legislature in regard to the settlement with the Commissioners of the Oconee River is unnecessary.

Approved, December 26, 1831.

It is due to the character of the Hon. Beverly Allen, who was chairman of the committee, to say that he had long been a faithful Senator from Elbert county and was a man highly respected for his virtues and intelligence. The communication of the Governor, the report of the agent, and the report of the committee were all

published in the *Georgia Journal* of January 12, 1832, as a final settlement with the commissioners.

SERVICE IN THE LEGISLATURE.

Whether Gen. Blackshear had served in the Legislature previous to his return from his military expedition against the Indians and British, the author has not been able to satisfy himself, and of course cannot enlighten his readers on the subject. From conversations he has had with Gen. Blackshear about the inception and defeat of the Yazoo Grant and the stormy times in the Legislature at Louisville, of which he was an eye-witness in 1795-96, it is probable that he was a Representative from Washington county, standing side by side with Gen. James Jackson in repealing that iniquitous measure. It is certain, however, as the journals will show, that he was a Senator from Laurens county from the year 1816 to 1825, inclusive, until he voluntarily retired from public life.

At page 67 of the Senate Journal for 1816 the following entry appears, as of December 16 :—

Mr. Blackshear, from the committee appointed to make arrangements for the funeral and interment of the Honorable GEORGE G. NOWLAN, a Senator from the county of Effingham, reported the following resolutions :—

Resolved, That the Senate, deeply impressed with the sudden and unexpected dispensation of Providence which hath deprived it of one of its most valuable members, will wear crape on the left arm during the remainder of the session, and for ten days thereafter, as a testimonial of their high respect for the deceased.

Resolved, That the said committee do, in the name of the Senate, invite his Excellency the Governor, the Speaker and members of the House of Representatives, with all the Executive officers, to attend the interment of the deceased to-morrow at nine o'clock A.M.

Resolved, That the committee appointed do wait on the Rev. Myles Greene, and request him to attend on the said interment.

At the session of 1823, Gen. Blackshear was appointed Chairman of the Committee on the State of the Republic, the other members being Messrs. Berrien, Jones of Baldwin, Cook, Allen of Burke, Val. Walker, and Wooten. A few passages from the journal will be given :—

P. 49. On motion of Mr. Blackshear,—

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of reporting a bill to prevent the repeated running away of slaves under aggravated circumstances, with death or such other

punishment as the court or jury may think best calculated to prevent the pernicious practice.

[The Committee on the Judiciary were Messrs. Berrien, Gamble, Burney, Wellborn, Bonner, and Robinson.]

P. 94. On motion of Mr. Blackshear,—

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of reporting a bill to enable a jury to find a divorce, on legal principles, for acts of either of the parties after as well as before the contract of matrimony is entered into.

P. 94. On motion of Mr. Blackshear,—

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of reporting a bill to have for its object so to amend the penal code as not to subject persons convicted of crime resulting from the heat of passion, or self-defence, to penitentiary punishment, but in the usual mode.

An event occurred at this session which the author thinks may with propriety be noticed in this memoir,—the death of William Robertson, Secretary of the Senate, who had filled the office some twenty-five or thirty years with credit to himself and with the approbation of the whole country. He was indeed a faithful public servant, who died at his post,—a warm personal friend of Gen. Blackshear.

P. 95. November 24, 1823, Mr. Berrien presented the following report:—

It being represented to the Senate that William Robertson, Esquire, late Secretary of this House, hath departed this life yesterday at the seat of Government, in indigent circumstances;

And it appearing to this House that it is a just tribute of respect to the memory of a man whose public services have been so long devoted to the people of Georgia, and to this House in particular, that the funeral of the deceased should be conducted under its immediate superintendence, and at the public expense:

Therefore Resolved, That Messrs. Berrien, Walker, Coffee, Groves, and Baker, be a committee to make the necessary arrangements for the funeral of the said William Robertson, and that they report thereon without delay to this House, to the intent that the President and members may attend the same.

And be it further Resolved, That the Governor be, and he is hereby, requested to defray, out of the contingent fund, the expense of the funeral and last sickness of the said William Robertson, deceased.

P. 98. Mr. Berrien, from the committee to make arrangements for the funeral of William Robertson, Esq., late Secretary of the Senate, reported,—

That the committee had made the necessary arrangements for that purpose; that they have united on the Rev. William Capers, who would attend on the interment of the deceased; that the committee had, in the name of the Senate, invited his Excellency the Governor, the Speaker and members of the House of Representatives, with all the State-House officers, to attend the interment of the deceased, this evening, [Nov. 24,] at three o'clock, and that the funeral-procession be formed at the house of

Mr. Betton at that time, and proceed to the place of interment in the following order:—1. The clergy, with the committee of arrangements; 2. The CORPSE, supported by six members of the Senate as pall-bearers; 3. The President and members of the Senate as chief mourners, two-and-two; 4. The Governor and State-House officers; 5. The Speaker and members of the House of Representatives, two-and-two; 6. Citizens, two-and-two.

The most important document with which the name of Gen. Blackshear was connected during the session was a response to the special message of Gov. Troup, stating the rights of Georgia to the lands occupied by the Indians within her chartered limits, and insisting that the General Government should be urged, by every possible means, to extinguish the Indian possessory title at the earliest moment, under the compact of 1802.

P. 278. Mr. Blackshear, from the Joint Committee on the State of the Republic, made the following report:—

The Committee on the State of the Republic, to whom was referred the communication of his Excellency the Governor on the subject of the extinguishment of Indian claims to the lands within the territorial limits of Georgia, beg leave to report,—

That they have derived much gratification from the perusal of this interesting document. It presents to them an unequivocal manifestation of the disposition of the Executive to sustain the just rights of the State on the important subject of the extension of her jurisdictional limits, with a firmness which is tempered by discretion, and a zeal which is guided by intelligence,—a disposition to which, in the unanimous opinion of this committee, every suggestion of duty and every feeling of honorable pride on the part of this Legislature will be accordant and responsive.

The committee do not deem it necessary, in this report, to enter into a minute examination of the luminous exposition of the rights of this State which is contained in the communication of his Excellency the Governor. Adopting it, as they do, unanimously and in its whole extent, they believe they will best perform the duty which is assigned them by recommending that an address be presented to the President of the United States, based on the principles and fortified by the arguments of the communication. They ask leave, therefore, to report the following memorial and resolution.

Here follows a memorial to the President of the United States, from which the following is an extract:—

In recurring to the articles of agreement and cession entered into between the commissioners of the United States and of Georgia, on the twenty-fourth day of April, 1802, these memorialists find a stipulation that the United States shall, as soon as may be, extinguish the Indian title to all the lands within the State of Georgia. This stipulation was not gratuitous on the part of the Government of the Union, but was in consideration of the surrender by the State of Georgia of a territory sufficiently valuable and extensive to constitute two independent and powerful members of the Federal compact. The motive to this surrender cannot

be misunderstood. In consenting thus to restrict her right of soil and her sovereignty, Georgia looked, with the confidence which she has always reposed in the plighted faith of the Union, to the prompt extinguishment of the Indian title to all the lands within her remaining limits, and the speedy settlement of her then, and still, vacant territory. Limiting her ultimate views of extensive empire, she had hoped by such limitation to escape from the helplessness of a protracted infancy, and, marching in quick time to the accomplishment of her destinies, to have seen her laws and her sovereignty coextensive with the limits of the territory within which she had consented to confine herself. Twenty-one years have passed away, and she is still destined to experience the disappointment of her hopes. She has witnessed, during this period, the extension of the Union, the multiplication of members of the Federal Republic, by repeated acquisitions of territory, while she is still doomed to have a long line of frontier exposed to the predatory incursions of the savage, and the lives of her citizens who dwell there, to his subtle and relentless vengeance.

The report and resolution were unanimously agreed to by the Senate and in the same way concurred in by the House.

Extracts might be multiplied from the journal of the Senate, showing the part Gen. Blackshear took in legislation, his motions of inquiry, his amendments to bills, and his reports from committee. He justly exercised great influence in the Legislature, and the wisest and most experienced minds were glad to confer with him. He occasionally addressed the Senate, always to the point, and with a manner so positive and dignified, and a voice so clear and rich in expression, that he never failed to command the most perfect attention. He was usually an observer of forms; but on one well-known occasion he laid aside mere etiquette and gave way to his feelings. This was in 1818, when the two Houses had convened to elect a Senator in Congress. He rose, and confessed that it was not customary to advocate the claims of any candidate, beyond the simple announcement of his name, while assembled on joint-ballot; but he would take the liberty of saying that the country needed a man of the highest qualifications, and such a man was John Forsyth, whose talents and patriotism all admired. He therefore proposed Mr. Forsyth to represent Georgia in the Senate of the United States, and he wanted him elected by a large vote. The scale was at once turned, and Mr. Forsyth was triumphantly elected. To Gen. Blackshear belonged the praise of first introducing him, amid discouraging prospects, (in a party sense,) to that sphere in which he gained so much national renown.

RESIGNATION AS BRIGADIER-GENERAL.

Long before his commission as brigadier-general in 1812, Gen. Blackshear had made military tactics and the methods of fortifica-

tion and defence a subject of earnest study. He understood well how to employ his command in the field, in presence of the enemy, though, beyond a few skirmishes with the Indians, he never had the opportunity of leading his troops into battle. He was a man of quiet chivalry, and never compromised with danger where duty called. He was a good disciplinarian, rather stern in enforcing system, and had his reviews conducted properly as often as the law required. Whether it be possible for any inspector, adjutant, or even major-general, to improve the militia into a warlike corps, has yet to be tested. Whatever could be done by the best drill-officers, and the most persevering practice, Gen. Blackshear accomplished in his brigade.

The author claims the thanks of the reader in advance for exhibiting a document which has never been excelled in delicacy of expression and force of compliment; and no one but the writer of it could produce its equal:—

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, February 21, 1826.

DEAR SIR:—It would be ungenerous, after you had filled so many offices of trust and honor, civil and military, and all to the satisfaction and advantage of your country, to deny to you, in the decline of life, the privilege to retire from your military command. I regret, notwithstanding, that the infirmities of age, or any other cause, should deprive the public of your usefulness in any sphere of action. It is known to me that, if your strength has departed, your patriotism remains unquenched, and that in any peril or danger threatened to the country we can still confidently appeal to that first of virtues which has never failed you in the worst of times, and which you will carry with you to the grave. Your resignation is accepted, with a sincere hope that many days of happiness remain for you.

G. M. TROUP.

Brig. Gen. BLACKSHEAR.

The author begs to publish in this connection a letter he received from Gov. Troup, to whom he had addressed one of his circulars to collect matter for the biographies in this work, and also a private letter requesting him to furnish, at his leisure, such outlines, facts, and suggestions about the public men of Georgia, within the range of his extensive acquaintance, as he might think proper. The following is the brief yet courteous reply, and the author regrets that it is the only communication he ever received from that distinguished citizen on the subject:—

LAURENS COUNTY, September 4, 1851.

DEAR SIR:—My health is very feeble, and I cannot promise aught; but it would give me great pleasure to be able hereafter to oblige and serve you.

Very respectfully,

G. M. TROUP.

STEPHEN F. MILLER, Esq.

His resignation only completed what he had otherwise done in part,—his withdrawal from public life altogether, at the close of the session of the Legislature for 1825. Nor did Gen. Blackshear permit his name to be used for any public trust afterward, except as a

PRESIDENTIAL ELECTOR.

In 1800, he was in the Electoral College of Georgia, and voted for Mr. Jefferson as President, and Aaron Burr as Vice-President, such being the ticket of the Republican party. Twenty-eight years afterward, he was also an elector, and voted, in 1828, for Andrew Jackson for President, and probably for William Smith, of South Carolina, for Vice-President, of the United States,—thus having the singular fortune of aiding to displace both the elder and the younger Adams from the Executive of the Union, each at the end of one term. Mr. Calhoun was the regular candidate for the Vice-Presidency on the Jackson ticket in 1828; but, as a personal feud existed between that gentleman and the Hon. William H. Crawford, growing out of the Presidential contest of 1824, the State of Georgia, which adhered to Mr. Crawford, refused to support his adversary, only two of the electors voting for Mr. Calhoun. The names of the Presidential electors in 1828 were David Blackshear, of Laurens; Augustin S. Clayton, of Clark; Solomon Graves, of Newton; John J. Maxwell, of Bryan; John Moore, of Oglethorpe; Oliver Porter, of Greene; Robert R. Reid, of Richmond; John Rutherford, of Baldwin, and William Terrell, of Hancock.

Gen. Blackshear was also a Presidential elector in 1832, for the last time. The names of his colleagues appear in the following message of the Governor, taken from the Senate Journal, p. 161:—

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, December 3, 1832.

I have deemed it proper to communicate to the General Assembly that the persons elected electors of President and Vice-President of the United States—viz., Beverly Allen, Elias Beall, David Blackshear, William B. Bulloch, John Floyd, Seaton Grantland, Hines Holt, Henry Jackson, William Terrell, John Whitehead, and Wilson Williams, Esqs.—are in attendance at the seat of Government, and have signified their acceptance of the appointment conferred upon them by the people.

WILSON LUMPKIN.

CONDUCT OF JUDGE FORT.

By reference to No. 130 of annexed papers will be seen a letter from Col. Seaborn Jones to Gen. Blackshear, dated January 23, 1825, relative to a proceeding in chancery, at the instance of Archibald B. Ridley and wife, against Joseph Blackshear, executor of Elijah Blackshear, deceased, to recover a large estate. In a

note to that letter, the author has made allusion to certain charges preferred by Col. Joseph Blackshear against Judge Fort, who presided on the trial of the case, and whose decisions were deemed erroneous, either from improper motives, or incapacity resulting from habitual intoxication. As the brothers were strongly united, all men of large property and of high character, the case naturally enlisted a great deal of public attention, and gave rise to parties for and against a recovery. After final decree had, the Clerk* of Laurens Superior Court refused to issue an execution; and this brought upon him a *mandamus*, which Judge Fort made absolute. The execution was then issued. Col. Blackshear, who thought himself aggrieved, laid a memorial before the Legislature at its session in 1827, the proceedings on which are noticed of record:—

[*From the Journal of the House of Representatives.*]

P. 168. The Speaker laid before the House a communication from Joseph Blackshear in relation to the conduct of Judge Fort, which was read and referred to a select committee, consisting of Messrs. Dougherty, Burnside, Haynes, Saffold, Stiles, Copp, and Davis.

Mr. Dougherty offered a resolution, which was read, amended, and agreed to, as follows,—to wit:

Resolved, That the select committee to whom was referred the communication of Joseph Blackshear, preferring charges against Moses Fort, Judge of the Southern circuit, be authorized and empowered to send for persons and papers to investigate said charges, and that said committee notify said judge of the investigation, and furnish him with a copy of the charges.

P. 213. On motion of Mr. Haynes,—

Resolved, That the select committee to whom was referred the charges against the Hon. Moses Fort be exempt from the services of this House pending the investigation of said charges.

P. 283. Mr. Dougherty, from the select committee to which was referred the charges preferred by Joseph Blackshear against Moses Fort, Judge of the Southern circuit in this State, presented a report, which was read.

On motion of Mr. Holt, of Richmond, two hundred and ten copies of said report, and the evidence accompanying, were ordered to be printed for the use of the General Assembly

On motion of Mr. Dougherty,—

Resolved, That the witnesses subpoenaed by the committee to investigate the conduct of Judge Fort be discharged from their attendance on said committee.

Mr. Dougherty laid on the table the following:—

The counsel for Judge Fort, whose conduct has been arraigned before this House, having been requested to be heard in his defence:

* The late Dr. Thomas Moore, a high-toned gentleman of the olden time, who in his youth attended the levees of President Washington in Philadelphia.

Therefore, Resolved, That the counsel for Judge Fort be admitted when the subject shall come before the House for consideration.

P. 326. On motion of Mr. Burnside,—

Resolved, That the messenger of this House be directed to give notice to Moses Fort, Esq., Judge of the Southern circuit, that the House of Representatives will, on to-morrow at ten o'clock, proceed to the consideration of the address and resolution relative to his removal from office.

P. 334. The House agreed to take up the report of the select committee to whom was referred the charges preferred by Joseph Blackshear against Moses Fort, the Judge of the Southern Circuit in this State; when Moses Fort, Esq., judge of said court, appeared at the bar of the House, attended by John A. Heard, Samuel Rockwell, Robert Augustus Beall, and Zachariah B. Hargrove, Esquires, as his counsel, and the said report being read, as follows:—

The select committee to whom was referred the charges preferred by Joseph Blackshear against Moses Fort, the Judge of the Southern circuit in this State, report

That they entered upon the discharge of the duty devolving upon them by said reference under a deep sense of the duty which they owed to the rights of the person whose conduct was impeached, on the one hand, and the rights of the citizens of this State, on the other; that, under these feelings, they deemed it their duty to allow of the freest investigation on the one side and the most ample means of defence on the other. The more effectually to obtain these ends, your committee considered that they had the power (and accordingly exercised it) of permitting both the accuser and the accused to appear before them by counsel. Both parties availed themselves of this privilege, and thereby enjoyed the rights, to the fullest extent, of cross- and re-examining all the witnesses who were brought before the committee. The evidence thus taken before the committee has been committed to paper and herewith submitted to the House, with the papers therein referred to. From the evidence thus submitted, your committee feel themselves authorized to say that the first charge submitted—to wit: That the said Moses Fort “has been on the bench as judge so intoxicated, at repeated times and places, as to render him incapable and utterly incapacitated from performing the duties assigned him as judge”—has been substantially supported and proven.

Much evidence has been submitted to your committee in support of the second charge,—to wit: That the said Moses Fort “has repeatedly decided causes in courts, (or some of them,) in and over which he presided, from base and unworthy, improper, partial, and corrupt motives.” And although the evidence adduced to support this charge proves many acts of the said Moses Fort which might be deemed either illegal or improper, yet, in the opinion of your committee, it is not of that clear and positive nature which they have considered necessary to enable them to pronounce the motives of the said Moses Fort either improper, partial, or corrupt.

In support of the third charge, very little evidence has been submitted to your committee other than an exemplification of the record of one case, (which was an indictment for assault with intent to murder,) which, in the opinion of your committee, cannot be considered sufficient to warrant the conclusion that the judge was actuated by corrupt motives in making his decisions in this case.

The fourth charge is in its nature more general,—to wit: That the said Moses Fort, “from general intemperance and intoxication, is unfit

and incapacitated from performing the duties of judge." Evidence in support of this charge consists of that produced to substantiate the first, connected with proof of the general habits of the said Moses Fort for intemperance.

It will readily be perceived that the truth or falsity of this charge must depend upon the effect which a given degree of intemperance will or may have upon the mind and conduct of any individual; and, though the whole evidence may not show an extravagant or continual use of ardent spirits by the said Moses Fort, yet, in the opinion of your committee, it must have opposed a considerable barrier to the speedy and faithful administration of justice in the circuit over which he presides.

Whatever difference of opinion may exist as to the disqualification of the judge, from intemperance, to perform the duties of his office, your committee are of opinion that all must agree that the evidence shows an habitual intemperance on the part of the judge as to prostrate the dignity of his office and materially to interrupt the discharge of his official duties. With these views of the subject and the evidence, your committee feel themselves constrained to offer the following resolution:—

Resolved, by the Senate and House of Representatives, two-thirds of each branch concurring, That the Governor be, and he is hereby, authorized and required forthwith to remove from office Moses Fort, the present judge of the Southern circuit in this State.

After the counsel for the judge had concluded their argument in his behalf, they retired, accompanied by the judge, after which considerable discussion arose in the House, when, on motion to agree to said report, the yeas and nays were required to be recorded, and are,—Yeas, 88; Nays, 37.

The Speaker announced the result, and declared the report and resolution agreed to by a majority of two-thirds, as required by the Constitution, and the clerk was directed forthwith to carry said report and resolution to the Senate.

In Senate, Journal, 290.

The President laid before the Senate the following communication:—

MILLEDGEVILLE, December 21, 1827.

TO THE PRESIDENT OF THE SENATE.

SIR:—The resolution of the House of Representatives in relation to my removal from office having been conveyed to the Senate, I beg leave to request that I may be heard by counsel in my defence after the report and the evidence shall have been read, at such time as the Senate may designate. If in accordance with the views of the Senate, I would respectfully ask an indulgence of reasonable time for preparation and consultation with my counsel until Monday morning.

Very respectfully,
MOSES FORT.

On motion of Mr. Sellers,—

Resolved, That Moses Fort, Judge of the Superior Courts of the Southern circuit, be permitted to appear by attorney in his defence of the charges preferred against him by Joseph Blackshear, within the bar of the Senate, to-morrow morning at ten o'clock.

P. 293. The President laid before the Senate the following communication from Judge Fort:—

MILLEDGEVILLE, December 22, 1827.

TO THE PRESIDENT OF THE SENATE.

SIR:—Although the liberality of the honorable body over which you preside granted me the right of being heard in my defence by counsel, yet, considering that every moment is precious to the Legislature on the eve of its close, and considering that the evidence is before the Senate, and that the argument of counsel would but serve to occupy the attention of the Senate without producing any other result than that of consuming its time, I have determined to waive the right so freely granted; but asking the body over which you preside, collectively and individually, to consider, in making up the determination, the source whence the accusation proceeds, and the probable motives which have doubtless actuated my accuser in making it. It is also respectfully asked of the honorable body over which you preside, not to fix a precedent that may be hereafter viewed as depriving a citizen of the inestimable right of trial and defence by concurring in a course having all the effects of an impeachment without any of its justice.

There is one other consideration which I desire to submit on the present occasion. It is this:—Notwithstanding much evidence has been collected in relation to the charges, yet not one of them has been sustained; and, when taken in connection with the testimony the limited time allowed me enabled me to present, there exists much variety of opinion on the subject; and as to disqualification, there is no evidence upon which any reliance can be placed. If the administration of public justice has suffered through me, where are the complaints of the people against me? There exist none. On the contrary, whenever any of the witnesses have been required to testify upon this subject, the opinion is uniform that I have presided as well as those who have gone before me.

I have the honor to be your obedient servant,

MOSES FORT.

The Senate took up so much of the message of the House of Representatives yesterday as relates to the report of the select committee of the House to which was referred the charges preferred by Joseph Blackshear against Moses Fort, the Judge of the Southern circuit in this State:

And on the question of concurring with the House, by a majority of two-thirds, in said report and accompanying resolution, the yeas and nays being required, it was determined in the negative,—Yeas, 39; Nays, 27.

The honorable Senator* from Washington county was unanimously excused from voting on the report and resolution of the House relative to the removal of Judge Fort from office, in consequence of his relationship to one of the parties.

Thus terminated the investigation. The author has no remarks either of praise or censure to indulge. Judge Fort was his townsman, with whom his personal relations were agreeable, and Colonel Blackshear was his friend, whose hospitality he had enjoyed. The

* Col. William A. Tennille, brother-in-law of the prosecutor, afterward Secretary of State,—a brave soldier who lost an arm fighting for his country.

prosecutor and the accused are both in the grave; and there let all differences repose.

SOCIAL CORRESPONDENCE.

From the long connection of Gen. Blackshear with public affairs, and his admitted wisdom and integrity, it is reasonable to presume that he both received and wrote many letters which, if collected, would prove a valuable acquisition to history. On applying to his family for leave to examine his papers, the author felt assured in his own mind that he would discover many letters from the old statesmen and leaders of Georgia; as well as from those of a later origin, out of which he could select such as were applicable to his biographies; also that he would find complete sets of Legislative journals from 1795 to 1825, as a record which Gen. Blackshear had carefully preserved for his own reference, and as affording to his posterity the evidence of his public life,—the measures he supported and those he opposed, as well as the business he introduced, his reports from committee, and other machinery of legislation at which he had taken a turn. But the search yielded little, comparatively. With the exception of the Military Papers, which were in a bundle secured and marked by Gen. Blackshear himself, and the few other letters annexed to this memoir, nothing of any interest was found.

Expressing his disappointment to the sons* of Gen. Blackshear, who assisted the author in the examination, they informed him that, after the death of their father and the neglect of the old family mansion, large quantities of his papers, even bushels of old letters and documents, were scattered in the garret, where they remained when the house was burnt, and all of them destroyed. Out of the wreck they found difficulty in recovering important title-papers. As for the printed journals and other pamphlets, Congressional speeches, Presidents' messages, and the like, they all shared a like fate, from carelessness of the overseer, who had ordered the trash in the yard to be fired too near the house. Had the collection of papers and documents been preserved as General Blackshear left it, the public would have gained much curious and useful information which is now lost forever, and the author would have been spared the occasion of expressing his regret.

From the portion taken care of, not included under the military

* Edward, Everard, and Elijah Blackshear.

head, the author presents an abstract, referring by number to the letters themselves for perusal at length:—

No. 4. Letter from the Hon. James Jones, a Representative in Congress, relative to the yellow fever in Philadelphia, the removal of the public offices to New Jersey, flight of the physicians; prospect of war with France; jealousy of European powers; good advice of President Washington, &c. September 4, 1798.

No. 6. Letter from Gov. Jackson relative to the Indian disturbances on the Oconee; improper conduct of certain white men in giving the Indians liquor; the steps proper to be taken for its suppression; taking up trespassing Indians as vagabonds; difficulties to be avoided in obtaining Oconee lands, &c. June 18, 1799.

No. 7. Letter from the Hon. James Jones, at Philadelphia; slow action of Congress; envoys to France to negotiate for peace; victory of Massena over the Russians and Austrians in Switzerland; commissions to treat for western territory of Georgia, &c. December 12, 1799.

No. 8. Letter from Hon. James Jones; Congress tardy; reduction of the army; abridging freedom of the press; case of Jonathan Robbins, who was given up by a South Carolina judge to the British consul and hung in Jamaica; President Adams interfering with the judiciary; system of bankruptcy; Gen. Lee's new militia bill; proposed change in the Constitution; American envoys arrived in France; commission not full to treat for western territory, &c. February 16, 1800.

No. 9. Letter from Hon. James Jones; conference about western territory; clause to save Yazoo purchasers; facts to be reported to Congress; Indian title to be extinguished when Indians get ready, and money paid to Georgia; Yazoo deposit to be transferred to the United States Treasury; prospect of treating with Indians for land in Ocmulgee, Fork and Tallasse country; full power to commissioners to cede western territory, &c. September 11, 1800.

No. 10. Letter from Hon. Samuel Hammond, Representative in Congress; Georgia militia claims; unfavorable report of committee; Secretary of War recommends the claims; proposed amendment to the Constitution, &c. December 23, 1803.

No. 30. Letter from Ezekiel Park, recommending Dr. William W. Strain as hospital surgeon. October 13, 1814.

No. 36. Letter from Bedney Franklin, introducing Dr. Abner Franklin, and presenting a copy of Buonaparte's Campaigns. December 1, 1814.

No. 115. Letter from Hon. Joel Crawford, a Representative in Congress; enclosure from the Secretary of War; official evasions: names of captains to be given; army rations. September 15, 1818.

No. 116. Letter from Gov. Rabun about finding of court-martial; case of hardship; application for relief; wishes to know the facts. June 30, 1819.

No. 117. Letter to James Hamilton Blackshear, at college: taking care of money; advice of cousins Jefferson and Blackshear Bryan; stand to the truth at all hazards; avoid wicked company, and seek the respect of good people. May 14, 1821.

No. 118. Letter to James H. Blackshear; diligence in study; laying foundation of character for life; home anxieties; returning in vacation; compliments to Mr. Moore; desire to hear about college. October 4, 1821.

No. 119. Letter from Col. Edward F. Tattnell, recommending Col. Daniell for general of first brigade; soldier's character; N. P. Bond for solicitor-general; factions in the State. October 16, 1821.

No. 120. Letter from Col. E. F. Tattnell, introducing Captain Hunter, Cashier of the Branch Bank of the United States in Savannah; attentions due a stranger. November 8, 1821.

No. 121. Note from Peter Crawford, Esq., Senator from Columbia county, to accompany him to spend the Sabbath at the residence of Col. Moughon. December 9, 1821.

No. 122. Letter to James H. Blackshear; urges him to write; reciting privately; importance of solid knowledge, not merely to get ahead of class; death of two slaves and injury to another. March 22, 1822.

No. 123. Letter to J. H. Blackshear; danger from measles at Athens, but disease everywhere; Providence our only protector; symptoms of asthma in Mrs. Blackshear; William indisposed; teachers' approval gratifying; cherish harmony with cousins, and all schoolmates who conduct themselves properly; envy none; avoid quarrels if possible; when right, shrink not, regardless of consequences; compliments to Dr. Waddel. April 12, 1821.

No. 124. Letter to J. H. Blackshear; patience in study; learn well as you go; conforming to the rules of the college; avoid all riots and the parties who commit them; now is the time to prepare for future greatness; a misstep will injure always; highest freshet; river top of mill-door; carried off fences and forty acres cotton

planted; sugarcane slow in coming up; brown sugar last year superior; prospect of fruit, &c. May 5, 1822.

No. 125. Letter from Hon. John Elliott, Senator in Congress; efforts of Mr. Calhoun's friends to weaken Mr. Crawford in New York; seduced the *Patriot* newspaper over; the great body of the Republicans for Mr. Crawford; Connecticut vacillating; Edwards left out of Congress in Illinois; support in caucus from Maine, New Hampshire, Massachusetts, and Vermont, cheering; twenty votes counted on; New York, 28 votes, certain; calculation as to other States; Mr. Forsyth's exertions; Col. Troup's success; re-election to the Senate, &c. September 4, 1822.

No. 126. Letter to J. H. Blackshear; sending money, not to be wasted; reasons for silence not sufficient; better penmanship required; improve the opportunity to learn and get the benefit of money expended; leave college with credit, &c. February 26, 1824.

No. 127. Letter from Dr. Moses Waddel, President of Franklin College; grateful for kind expressions; acting the best he can; praises James; good standing in college and in town; will be a good scholar, useful man, an honor to the institution, and a comfort to his father; request of Senatus Academicus to remain; consents, though retirement and repose preferred; did not solicit the office, &c. November 18, 1824.

No. 128. Letter from Hon. Richard Henry Wilde, introducing George W. Crawford, Esq., a candidate for attorney-general; character, politics, and talents altogether unexceptionable. November 27, 1824.

No. 129. Letter from Dr. Waddel, securing Mr. Mitchell as a private tutor; requests a visit to select a teacher, and for other purposes; singular events of late known only to a few; cannot write on the subject; James doing well as usual. January 21, 1825.

No. 130. Letter from Col. Seaborn Jones; lawsuit between Ridley and wife vs. Col. Blackshear; facts stated; defendant advised wrong; must lose the property, \$30,000; compromise offered, &c. January 23, 1825.

No. 131. Letter from Hon. Richard Henry Wilde, Representative in Congress, enclosing the vote of the House electing Mr. Adams President. February 9, 1825.

No. 132. Letter from Hon. R. H. Wilde; breakers ahead; policy of the incoming administration; claims for militia services; reputation of Government; emancipation; right of search;

Southern States the Ireland of the Union. February 20, 1825.

No. 133. Executive circular from Mirabeau B. Lamar, Governor Troup's secretary, inviting the generals of divisions and brigades to pay their respects to General Lafayette. March 4, 1825.

No. 134. Letter from Henry King, introducing his brother, David R. King, in support of a claim before the Legislature. October 16, 1825.

No. 135. Letter from Hon. C. B. Strong, expressive of his gratification at the victory of Gov. Troup over his opponent; bull by the horns; Gen. Gaines, &c. October 19, 1825.

No. 136. Letter from Dr. James Perry, introducing a Representative from Tattnall county. November 2, 1825.

No. 137. Letter from Hon. Charles Harris, offering himself as a candidate for Judge of the Court of Oyer and Terminer of Savannah. October 21, 1826.

No. 138. Letter from Col. Richard A. Blount, touching the Oconee navigation; regrets Gen. Blackshear's leaving the Senate; Peter Crawford out; the new Board of Internal Improvement, &c. October 20, 1826.

No. 139. Letter from Peter Crawford, Esq.; disgusted with Milledgeville legislating; harness up again to serve constituents; *white* men very uncertain; prospects of the Troup party; opposition caucusing by a judge; regrets to see so many running for Congress on the Troup side; expects to see a half-dozen vagabonds of the Clarkites announced for Congress; Mr. Monroe, successor of General Blackshear in the Senate; faithful service; following an old leader; state of the crops. July 8, 1828.

140. Letter from Daniel Chandler, Esq., asking influence for his election as Solicitor-General of the Northern circuit. October 10, 1831.

Having glanced at all the correspondence attached to the memoir, the author pleads guilty to the bad taste of introducing a letter written to himself by Gen. Blackshear, about thirty years ago. That paper is now before him. The youth to whom such kindly expressions were breathed, more to encourage than to flatter, is now about to finish the memoir of his revered correspondent in a spirit of justice, if not with ability. The author and James Hamilton Blackshear were devoted friends, both about the same age. As a guest for several days together in the sports of the chase and in convivial pastimes, sampling the excellent wines and

rich drinks of the general, which no man knew better how to prepare for his friends,—in listening to his sage counsel, his racy anecdotes, and curious recollections,—the author can never cease to feel gratitude and a melancholy pleasure in reviving those scenes in his memory and in his heart. A few months ago he visited the old homestead. The dwelling was burnt down; tall cotton-stalks grew in the yard; the large old china-trees, planted by the general sixty years ago, had rotted from age. Nothing was green but a small live-oak, which came from an acorn he brought in his pocket from the coast at the close of the war in 1815,—an emblem of his own enduring character.

But there were the graves! General Blackshear and his wife slept side by side, and near him was old Peter Calloway, the once heroic youth who served with him in the Revolution. James Hamilton and William Thweatt, his two sons, who died in the meridian of life, and Mary Jane, the wife of Edward Jefferson Blackshear, reposed within a few feet. His nephew William L. Bush, well known to the author, was in the enclosure, far away from the home of his childhood. Several members of a French family, (Dessaubleaux,) who had been friends and neighbors, mingled their dust in this home of the dead. A half-dozen little graves told of angelic slumbers there. Dear old spot, hallowed by so many tender memories! A voice, as if from the tomb, addresses the author:—

SPRINGFIELD, August 30, 1828.

MY DEAR SIR:—I received with pleasure your favor by the last mail. It is next to taking an esteemed friend and relative by the hand.

With respect to your becoming a candidate for solicitor, if merit has any influence I should think your claim a good one. It is unnecessary for me to say that it is not a general rule in these times. I would recommend your urging your claim; and, with such competitors as you mentioned, I think those who know you cannot hesitate in their choice.

You overrate my influence, as I shall have no more power than another humble individual. I shall, however, take pleasure in promoting your views where I think it will be of service to you. I am not certain that I shall be up, [at Milledgeville,] but intend to if I can, and can there say a word or two to my old friends.

I am in fine health. James is in bed with the ague and fever; the rest are all well. We shall make half-crops in this quarter. I should be glad if you could come in and pay us a visit, and my old cousin, John Shine.* My nephew, William L. Bush, from near Wilmington, died at my house the 14th ult. I have nothing new or important.

Accept the full assurance of my high esteem,
STEPHEN F. MILLER, Esq.

D. BLACKSHEAR.

* A soldier of the Revolution,—grandfather of the author. See a notice of his services in White's Historical Collections of Georgia, p. 636.

A circular addressed to Gen. Blackshear by the committee is here inserted in honor of Savannah and its public-spirited men:—

SAVANNAH, March 18, 1825.

SIR:—It has been resolved by the citizens of Savannah to erect monuments to the memory of Generals Greene and Pulaski. The occasion of Gen. Lafayette's visit has been selected as the most fit time for laying the corner-stones of these monuments. The lively interest which this great and good man has evinced in all parts of our country in the fame of his brothers in arms is an assurance that this tribute to the valor and virtues of two of the heroes of the Revolution will be an occasion of joy and gladness to his generous heart, and will form a pleasing and lasting association in the mind of our venerable guest with his future recollections of the State of Georgia.

The characters and services of the brave commanders to whose memories we are about to pay these tributes of veneration are known to you. Their names are recorded in the history of our republic; their deeds in arms were the pride of their compatriots and the glory of our country; the value of their services demands from posterity the tribute of their gratitude. We therefore invite our fellow-citizens throughout the State to co-operate with us in this work of duty, that the State of Georgia may give another example to the world that republics are not unmindful of the obligations which they owe both to the living and the dead.

It was before the ramparts of Savannah that Pulaski fell on the field of glory, and here General Greene was buried. It is therefore with peculiar propriety that two of the most conspicuous squares of this city have been selected for the sites of these monuments.

It is proposed to complete these monuments in a style corresponding in simplicity and durability with our republican principles, and to make them the common property of every citizen. Hence, it has been determined to limit the subscription to two dollars, in order to enable every person to enroll his name on this list of Revolutionary gratitude. Those who may wish to contribute more can do so, and their names will be noticed as making special donations.

The names of the subscribers will be engrossed on duplicate rolls of parchment, one of which will be deposited in each monument, secured in the most perfect manner.

Your zealous co-operation in this patriotic undertaking is solicited with great confidence. The moneys that may be subscribed you are requested to collect and pay over to the cashier of either of the branches of the Bank of the State of Georgia, or either of the branches of the Bank of Darien, who will thereafter be directed to transmit the money to Anthony Porter, Esq., Cashier of the Bank of the State of Georgia, at Savannah, subject to the order of Joseph V. Bevan, Secretary and Treasurer of the Greene and Pulaski Monument Committee.

JOHN STEPHENS,
JOHN SHELLMAN,
WILLIAM B. BULLOCH,
JAMES BOND READ,
RICHARD W. HABERSHAM,
ALEXANDER TELFAIR,

S. B. PARKMAN,
ANTHONY PORTER,
A. B. FANNIN,
M. MYERS,
WILLIAM P. MARSHALL,
JAMES P. SCREVEN.

FAMILY RECORD.

It is deemed proper to give a record which will at least prove interesting to the kindred and the more immediate friends of the family.

David Blackshear and Fanny Hamilton were married in Hancock county, December 2, 1802. Their children were,—

1. Mary Hamilton, born December 1, 1803, and died in infancy.

2. James Hamilton, born November 4, 1805; married Caroline E. L., daughter of Gen. John Floyd, July 2, 1828. He represented the county of Laurens several times in the Legislature, was major of battalion, and died February 23, 1845, leaving a widow and two daughters.

3. William Thweatt, born November 14, 1807, and died August 13, 1838.

4. Edward Jefferson, born June 21, 1810; married Mary Jane, daughter of Col. James J. Pittman, of Mariana, Florida. She died June 20, 1852, leaving a daughter and three sons. E. J. Blackshear was several years a member of the Senate from Laurens county, and a justice of the Inferior Court.

5. Ann Eliza, born April 25, 1812, and died in infancy.

6. Eliza Ann, born December 26, 1813, and died in infancy.

7. David, born February 26, 1816; married Susan E., daughter of Edward Bryan, of Florida, August 14, 1845.

8. Everard Hamilton, born June 19, 1818; married Isabella Maria C., daughter of Col. Everard Hamilton, of Savannah, October 10, 1844.

9. Joseph John Floyd, born October 2, 1821.

10. Elijah Francks, born September 26, 1822; married Mary Ann L., daughter of Colonel Everard Hamilton, October 16, 1845.

11. John Duke Blackshear, born January 14, 1824, and died at the age of one year.

It will be seen that the three daughters of Gen. Blackshear, and one son, died in their infancy. Seven sons survived him, two of whom have since died.

Edward Jefferson Blackshear, Everard Hamilton Blackshear, and Elijah Francks Blackshear all reside on the paternal estate, within a few miles of each other, the settlement provided for them being about four thousand acres, to which they have added by purchase. David Blackshear resides in Florida, and Joseph John Floyd Blackshear has established a plantation in Texas, with part

of his own force and part of the force of his brothers Everard and Elijah, retaining an interest in their planting-operations in Laurens. They act together in great harmony, and all of them are prudent managers, steadily increasing their property, and are upright, useful citizens.

Mrs. Blackshear, the general's wife, was born January 22, 1781, and died February 28, 1824, aged forty-three years.

HIS DEATH, JULY 4, 1837.

The time has now arrived when the affairs of this world are no longer to hold dominion. He had performed the duties of life faithfully. At the age of seventy-three years, he could review the past and bear witness to the emptiness of fame. It had been his privilege to associate with the leading men of his day, and to leave the impress of his character in all the offices he had filled and upon the public mind. Serenely meditating on the future, he relied upon the truths of revelation for his comfort. His illness continued several weeks, in all which time he talked of death with the utmost composure,—said it had been a subject of reflection with him for years, and that his peace with God and with his fellow-men had been assured. In this frame of mind, General DAVID BLACKSHEAR died on the 4th day of July, 1837. While the cannon was pealing forth its thunders in city and village throughout the Union, in celebration of the day which his youthful valor had assisted to render immortal, his spirit was passing from time to eternity. Gallant soldier, noble patriot, and sincere friend, Farewell!

HIS CHARACTER.

Though his early education was imperfect, his mind was abundantly stored with knowledge of almost every description. He was acquainted with many of the sciences, especially those which related to agriculture, such as vegetable chemistry and the analysis of soils. He cultivated the grape extensively, and knew the process of fermentation, the saccharine matter to be added, the alcoholic principle, and the temperature for giving it the best body and flavor. He had the most approved instruments, and used them skilfully for this purpose. He often improved on other methods, by his own reasoning and experiments, on the large variety of grapes in his vineyard.

Between Gen. Blackshear and the late Thomas McCall* (the

* Brother to the author of McCall's History of Georgia.

best wine-grower of his day in the South) there existed a warm personal friendship. They mutually aided each other in the manufacture of wine. Mr. McCall cultivated the grape on a much larger scale, and produced as elegant wines as any imported. In his message to the Legislature in 1827, Gov. Troup refers to him:—

The introduction of a new culture may claim the countenance of Government, as well from its general utility as from the difficulties attending on it. Among the varieties which contribute to the comfort of man, that of the vine ranks with the first class,—a culture eminently promotive of the public health and the public morals. Our respectable fellow-citizen, Thomas McCall, of Laurens, distinguished alike for his science and philanthropy, has devoted many years to this culture, and his laudable zeal and patient industry give promise of ultimate success. A temporary and limited encouragement may insure it; and good effects would be seen eventually in a diversified cultivation, in an independence on foreigners for an article of great value, and in the gradual substitution in practice of a less for a more intoxicating beverage. If you coincide with me in the policy of extending a fostering hand to this subject of agriculture, the kind and degree of encouragement will be regulated by a sound discretion.

Besides his graperies of several acres, Gen. Blackshear had large orchards, from which he distilled apple and peach brandies of the purest kind. Nothing was neglected in the manufacture, from gathering the fruit to the dropping of the rectified spirits from the tube. He usually gave morning drams to his slaves; and whenever, from exposure to cold or water, they required a tonic, he ordered them to receive it from his cellar. It was often the case that in heavy work—raising houses, building mill-dams, and adjusting timbers—they were in a condition, as was then believed by most owners, to justify a little *spirits* for their health. The slaves at all events were grateful, and seemed to pursue their work more cheerfully. He never permitted them to have it in such quantity as to produce intoxication, and of course he saw nothing to regret from the custom.

He also cultivated the cane, and made sugar and syrup more than enough for his own use. It was his rule to let his neighbors have whatever he could spare from his farm,—corn, bacon, flour, beef, sugar, syrup, rice, brandy, wine, wool,—lumber from his saw-mills, and all kinds of produce which he did not need for his own consumption. He never profited by scarcity and high prices in the market. His rates were just fairly remunerative for the labor bestowed. He never speculated on the necessities of people. All that came were supplied, if in his power. If they were able, he required payment within a reasonable time. The truly poor, who

were pinched by hunger, received provisions gratis,—plenty for them and their little ones. Gen. Blackshear was a first-rate judge of human nature, and was not often deceived. To the honest and industrious he was ever a friend; to the idle and dissolute he showed no favor, except *rebuke*, when they troubled him with their wants. Though obliging in his disposition, he adhered to certain rules which he adopted early in life:—

1. Never to spend money before you get it.
2. Never pay other people's debts.
3. Never pay interest.

Much is comprehended in these few words. They reveal the secret of prosperity, in violence often to the best sympathies. Gen. Blackshear was governed by principle in all his movements,—never by impulse. Hence his great success and influence.

His hospitality was abundant and most agreeably dispensed. In his days, with lessons from the Revolution, through all ranks of society, in camp and in council, and until within the last twenty years, it was the prevailing custom—the social law—to offer wines and stronger drink to visitors, and to treat in public places. Gen. Blackshear kept up the usage. For those who did not relish wine, and refused to indulge higher, he had a drink of his own invention, which he called *cider-royal*, which was indeed good enough for kings. It was composed of brandy, sugar, and cider,—perhaps something else,—in such proportions as he had ascertained to form the most palatable and refreshing beverage. His sideboard was an ingredient of hospitality. He partook himself, but never to excess; nor could any guest so far forget himself, even if inclined, as to become *out of fix* under his roof by too free a resort to the decanters.

During their journeys on the circuit, and often in the intervals between courts, the judges and bar would spend their leisure time with Gen. Blackshear. The dignified Early, the jovial Strong, and other high functionaries who enjoined silence in court and held the multitude in awe by their stern authority, laid aside their official consequence, and shot ducks and angled for fish with as much glee as the boys who for the time-being were their guides and companions. The judges would go to the mill and wade upon the sheeting, or creep softly upon the dam, spearing the finny tribe or harpooning a turtle, with a perfect relish for the sport. After such achievements, the sideboard was called upon for its quota of *applause*. It was all right then, as public opinion had decreed it so. But a very decided change has since taken place. Sideboards,

wine, and brandy, and such old-fashioned *luxuries*, have been dispensed with,—certainly an improvement on the *virtues* of our predecessors.

In politics, Gen. Blackshear belonged to the school of Jefferson, and was a great friend and adviser of Gov. Troup. He voted for him as a Representative to Congress in 1805, and for Governor in 1821, 1823, and 1825. His influence in the Legislature exceeded perhaps that of any other member. An anecdote or two related of Judge Dooly will be in point.

Before going on the bench, Col. Dooly had some military ambition, and was a candidate for brigadier-general. When the election came on before the Legislature, Gen. Blackshear proposed some man whom he deemed worthy as an opposing candidate. Dooly was defeated, and charged his *disgrace* to Gen. Blackshear. Accosting a man from the country before a crowd at the hotel, Dooly asked him if he would do a little job for big pay? The man said he had no objection, if he was able. Dooly remarked, "You are able, very able,—well qualified, no doubt, for the business." The countryman desired to know what it was. Dooly told him it was merely to curse. "Well," replied the man, "I can do a little of that in my own way." "Then, sir," remarked Dooly, "begin at once, and I will pay you a dollar to curse Gen. Blackshear one hour. Curse him loud on these steps; curse him at the corners of the streets; curse him in the Capitol-square; curse him all over town; curse him till your words give out, and then come to me for more. The cursing must be done this evening, or it will be too late. I am not strong enough to curse on so big a scale, and must do it by deputy." The man excused himself, and thus the *cursing*-operation failed, amid roars of merriment.

At another time Judge Dooly noticed a gentleman very assiduous in his attentions to members of the Legislature for several days, when, taking him aside, he asked if he was a candidate. The reply being in the affirmative, Dooly inquired if Gen. Blackshear supported him. The candidate was unable to say, but thought from circumstances that the general would vote against him. "Then," said Dooly, "go home at once: save your tavern-bill and your feelings. If Gen. Blackshear is against you, you are beaten,—badly beaten. I was once a candidate, and Gen. Blackshear had me beaten by *a dead man, who was no candidate!*"

Gen. Blackshear was frequently called to the President's chair while the Senate was organizing, and on other special occasions acted as chairman. His dignified manner, open and expressive

countenance, and his great experience in deliberative bodies, made his presence quite commanding. He very much resembled Dr. Franklin; and the full-length portrait in the House of Representatives of the great philosopher affords a correct idea of Gen. Blackshear. In strong common sense, and in the ability to understand first principles, they were also alike. Dr. Franklin excelled all men of his day in conversational powers. Gen. Blackshear was eloquent in the simplicity and force with which he expressed himself. He was a man of great natural abilities, and only wanted the cultivation and employments of Franklin to render his name as eminent in statesmanship, letters, and philosophy.

At the Anti-Tariff Convention of 1832, Gen. Blackshear was chairman of the committee, which consisted of twenty other members,—Berrien, Forsyth, Cumming, Clayton, Cuthbert, Gamble, Reese, Spalding, Tait, Rockwell, Beall of Bibb, Taylor of Burke, Bailey, Warner, Dawson, Haynes, Gordon of Putnam, Clark of Henry, Janes, and Harris.

Enough has been shown from public documents and from the history of his life to prove that Gen. Blackshear was a man of note and is worthy of a place among public benefactors. He did not, it is true, fill so wide a space as some; but he acted his part with as much patriotism and integrity as the greatest.

His old age was soothed by the presence of one who assisted in the Revolution to punish the murderers of his eldest brother, of which an account has been given in the early part of this memoir. After a separation of forty years, the Rev. Peter Calloway, stricken by domestic sorrows, came to the house of Gen. Blackshear, who embraced him with tears of joy. The reunion was pleasant to both. Mr. Calloway was invited to make Springfield his home. For several years he was a cherished inmate of the family, shared the best, was treated with the tenderness of a brother, and at length died under the general's roof. The same graveyard contains the dust of both. The commander of armies and the humble Baptist preacher—the two friends in life, one successful and the other unfortunate—will continue to repose together until the trumpet of the resurrection shall summon them to their final destiny.

[Papers referred to in Memoir.]

I.—GOV. IRWIN TO D. BLACKSHEAR.

February 9, 1796.

DEAR SIR:—Time will not permit me to write you so fully as I could wish. But I am happy to hear of your spirited exertions on the present occasion, and trust you will still exert yourself in giving all assistance in your power to the frontiers. And rest assured that there shall be nothing lacking that is in the power of Government for their protection.

I am, dear sir, with respect, yours,

JARED IRWIN.

II.—ADJUTANT-GENERAL TO MAJOR D. BLACKSHEAR.

ADJUTANT-GENERAL'S OFFICE, GREENSBORO, October 21, 1797.

(General Orders.)

In consequence of a law passed in Congress the 24th of June, 1797, and of a communication to his Excellency the Governor of Georgia from the Secretary of War, bearing date of the 1st August last past, for organizing, arming, and equipping, according to law, and holding in readiness to march at a moment's warning, our proportion of 80,000 militia,* officers included, being 1334—

You are therefore immediately to proceed in detailing to the proper officers in your brigade the following number of officers and men, and cause the same to be organized, armed, and equipped, according to law, and held in readiness to march at a moment's warning.

You will accept any independent corps of cavalry, artillery, or infantry, as part of this detachment, provided they shall voluntarily engage in the service,—viz.: 1 lieutenant-colonel, 4 captains, 4 lieutenants, 4 ensigns, 16 sergeants, 16 corporals, 1 adjutant, 1 quartermaster, 1 paymaster, 1 surgeon, 1 surgeon's mate, 1 sergeant-major, 1 drum-major, 1 fife-major, 4 drummers, 4 fifes, and 256 privates.

You will without delay report to me your progress, and on the state of this detachment.

By the commander-in-chief's command, of Louisville, the 16th October, 1797.

JONAS FAUCHE,
Adjutant-General.

III.—MAJOR BLACKSHEAR TO ———†

May 24, 1798.

SIR:—Agreeably to general orders of the 9th of February, 1798, and the arrangements of the adjutant-general of the 14th of February, 1798, yourself, and adjutant of your battalion, will rendezvous at Sparta, on the 3d of July next, uniformed, armed, and equipped, according to law, provided with your commissions, there to perform such evolutions and other military exercise as the adjutant-general may direct.

You will also cause to be held a review of your battalion at Sandersville on July 5th next, for the adjutant-general's inspection, as contemplated in the fore-mentioned general orders, which you will find in the

* For the expected war with France after the President's proclamation of neutrality. Major D. Blackshear was brigade-inspector at the time.

† The address does not appear in the copy retained.

Augusta Chronicle of the 17th of February, 1798, and to which you will have reference to conduct yourself accordingly in the orders you will issue.

By the brigadier's command.

D. BLACKSHEAR,
Brigade-Major.

IV.—JAMES JONES* TO D. BLACKSHEAR.

SHIP-YARD, September 4, 1798.

DEAR SIR:—After you left us, my indisposition increased and continued pretty severe, so as entirely to confine me till about ten days ago. The moment I was able, I went to town, and have written to New York for the articles you want, through a very honest friend in town who deals there. In all probability, they will arrive in about four weeks from this,—say 1st October. Not meeting with a conveyance from Savannah, and being, besides, in a very great hurry to return home, I deferred writing you till now.

The only news of consequence was that the city of Philadelphia has again been attacked with the yellow fever, and it made its first appearance in greater terror than at any former period. The public offices had all been removed to Trenton, New Jersey. The principal physicians had concluded to leave the place; and, of course, every person who can possibly get away will abandon a place that seems devoted to fall a victim to the most dreadful pestilence ever experienced in this New World. To contemplate the emporium and most flourishing city of a great and rising nation, till lately exempt from most of the great national calamities which have desolated many parts of the Old World, now seriously threatened with a combination of two of the most awful afflictions that ever visited any land, is a melancholy and painful reflection, and, with the aid of a very small share of superstition, (or, perhaps, more justly, of religious confidence,) might induce us to consider and ascertain whether these dreadful visitations are the consequence of our own national pollution. The zealous advocates of the times would account for them on plain and familiar principles. They would say the malady is introduced by contagion from foreign intercourse; and this is probably the true cause. The other calamity—I mean war—they will not consent to rank in the same class. For my own part, I believe them to be the offspring of the same parent cause.

The connections we have formed, and, in some instances, diligently cultivated, with European powers, could not fail to involve us in their destinies. That jealousy which is so inseparable from human nature, and which can scarcely tolerate an equal attention with others from a friend, can much less brook the slightest mark of particular favor. This passion is as prevalent in nations and their rulers as it is among individuals.

These are barely remarks: I need not apply them. Present appearances prove the justice and goodness of the late President's advice to the United States on the propriety of avoiding foreign connections.

I am, dear major, with esteem, your most obedient servant,

JAMES JONES.

* Mr. Jones was often a member of the State Legislature from Chatham county, and was elected a Representative in Congress in 1798. He died at Washington City, January 12, 1801. See a notice of him in White's Historical Collections, p. 367.

V.—MAJOR D. BLACKSHEAR TO COL. RUTHERFORD.

May 21, 1799.

DEAR SIR:—Agreeably to orders from Brigadier-General Irwin of the 20th inst., and from the adjutant-general in the Louisville Gazette of the 19th of March, 1799, the field-officers of your regiment will meet at Sparta on the 23d of September next, uniformed and equipped, in order to receive such instruction of the discipline prescribed by Congress as the adjutant-general may think proper to direct.

You will also order all the commissioned officers of your regiment, together with the adjutant and first sergeant of each company, to appear at Sandersville on the 25th of September, armed with muskets and bayonets,—the commissioned officers to have their commissions,—in order to perform the evolutions prescribed by law. You will also call the whole of your regiment together at Sandersville, the 26th of September, by ten o'clock in the forenoon, well equipped. The officers commanding companies will come provided with exact rolls of the number of each grade enrolled in their respective districts or commands, in order that the regiment may be reviewed, inspected, and manœuvred as the law directs.

Believe me to be, respectfully, sir, your obedient servant,

D. BLACKSHEAR, *Brigade-Major.*

VI.—GOV. JACKSON TO D. BLACKSHEAR.

EXECUTIVE DEPARTMENT, LOUISVILLE, June 18, 1799.

SIR:—I received your communication of the 16th instant, by Mr. Allen, this morning, and am sorry to learn the state of things in your quarter; but I yet hope there will be no occasion for violence on our side.

Did the citizens who entice the Indians on this side the river know the injury they do to the reputation of the State, exclusive of that they occasion to their neighbors, I am certain they would desist from a practice neither warranted by the laws nor dictated by honesty, justice, or prudence.

Supposing that I possess a gang of cattle which can feed better over the Oconee than on this side, but to gain permission for which I must accept of visits from the Indians and furnish them with spirituous liquors: is it proper that I should keep, or be allowed to keep, that gang over that river, in order to entice those Indians on this side, give them liquors, and, in a state of intoxication, lay all my neighbors open to their depredations,—and this, too, when my neighbors are in no ways interested in property over the river? The settlement would be justified in taking harsh steps with the persons and cattle which should thus expose them to savage incursion.

Mr. Allen has mentioned two persons guilty of this charge,—Captain —, of Montgonery, and Mr. —, at the Bluff. I confess myself surprised at Captain —, after the recent occurrence which put him to so much trouble. It appears as if, after having drawn the vengeance of the Indians on his country, and risked an Indian war, with all its horrors, that way, (and that some were killed in consequence of his conduct is certain,) that he is now determined to rouse the whites against the Indians, and bring on trouble that way. Mr. — I am not acquainted with, but should be sorry if I should be driven to the necessity of informing Mr.

Hawkins of those things, and of permitting the Indians taking off such gangs over the Oconee as may have been purposely driven over.

The enclosed extract of a law now in force in this State will, however, be sufficient for you or any other magistrate to stop the practice of selling spirituous liquors to Indians, by taking up and binding over the persons guilty as therein pointed out.

As to the Indians, I wish we could forbear as much as possible from commencing violence. At the same time, it is far from my wish or intention to screen them or support them in any bad action. Should the horses not be found, (but which I hope they may be,) I shall make a positive demand of them, and for that purpose request a particular description of them by the owners, on oath, with the particulars of — and — conduct, and that of the Indians when last in.

Should other Indians come into your settlement, and behave so as to require noticing, if you can procure any information, they are liable to be sent to gaol equally with whites for any crime they may be guilty of; and if, after being required to go over the river to their own side, they obstinately remain, they are liable to be apprehended by a warrant, under the hand of any magistrate, as vagabonds, under the act to amend the act for punishment of vagabonds, passed the 1st February, 1788.

But I would much rather prefer the punishment of our own people, who are, in fact, the sole authors of those mischiefs by enticing them on this side the river. Should the worst of your fears, however, take place, you shall be supported. I only advise moderation and prudence on our side, to convince the Union that it is not the wish of the citizens of Georgia to commence hostility, or to precipitate the United States into an Indian war when they have every expectation of an European one, and which conduct, were we to commence, might so anger the Union as to prevent our obtaining the Oconee lands, which, I have reason to believe, is in a fair train.

The extract of the law, as I before mentioned, will point out your powers and duty with those who draw the Indians for interested purposes to this side the river.

I am, sir, your very obedient servant,

JAMES JACKSON.

VII.—JAMES JONES TO D. BLACKSHEAR.

PHILADELPHIA, December 12, 1799.

DEAR MAJOR:—It is not the longest absence or most remote distance from an old friend that can make me forget him. When I saw you last, I recollect my promise to correspond with you constantly from this place. It is to prove I mean to fulfil that engagement, more than any interesting intelligence I can as yet afford you, that I now write.

We have been almost two weeks in session without taking the sense of Congress on any question of the least anxiety. Nothing of importance has as yet been proposed. My hours pass away very heavily for want of employment, for I have not been accustomed to this kind of dull inactivity, and it does not agree with me.

Our envoys to France have been gone now about six weeks; and many people here of high rank and information believe their mission will produce a full and speedy reconciliation with that nation. There are others, however, who seem to consider their embassy in a different view, and who do not entertain any hopes of their success. From every thing I can

learn, I am fully of opinion we shall have peace. On this ground it is in contemplation to attempt a reduction of the army-establishment and of the expensive system of defence. It is generally believed the attempt will succeed. The disposition of the present Congress appears at present to be much more temperate than that of the late. There are in the majority many moderate men, who will not support any violent party measures, if any such should be proposed. The President tells us, although peace should be established with France, we must not relax in the system of defence; that is to say, be it peace or be it war, we must have an army and navy. But I hope he will not find a majority of this Congress of that opinion.

This day we have the accounts of a most important victory obtained by Massena over the Russians and Austrians in Switzerland. I enclose you a paper containing this and other information.

I have not yet been able to attend to your business: that shall be the subject of my next. I hope to hear often from you. Please make known this information to your friends and neighbors. We are in hourly expectation of being informed of the appointment of commissioners by the President to treat with us for our western territory. His language to us when we made known our powers to him gives us a right to expect it.

I am, dear sir, with real esteem, your most obedient servant,

JAMES JONES.

VIII.—JAMES JONES TO D. BLACKSHEAR.

PHILADELPHIA, February 16, 1800.

DEAR MAJOR:—In my former letter I told you that I would inform you in my next of the state of the business you requested of me to inquire into here. I then thought confidently that I had brought on your memorandum on the subject. I am well assured I attended to it in assorting my papers at home just before I set out; but, to my surprise and mortification, I now find I must have left it in my desk in the hurry of business on leaving home. You must pardon this accident; and, if you receive this in season, write me immediately on the subject, and it will still be in time for me to inquire and bring you information on my return.

Congress do business so tediously that not one act of consequence is passed, although we have been nearly three months in session. You will no doubt have seen in the newspapers the motion for reducing the army, and the debates thereon, or a part of them; also the motion for repealing that part of the —* law abridging the freedom of the press, and the fate of both these attempts. They were both unsuccessful. The first was lost by a majority of twenty votes; the last was once carried —, and, on a motion to amend the resolution, was defeated by a counter-resolution, 52 to 49.

Some resolutions have lately been passed to inquire into the circumstances of Jonathan Robbins' case, the man who was given up by the judge in South Carolina to the British consul and afterward hung in Jamaica. It appears, by the papers laid before Congress by the President, that he did request and advise the judge to give the man up. It also appears that no question was made whether Robbins was an American or not. An interesting question now arises in Congress to be determined:—whether, by

* Several words in this letter have been obliterated by the decay of the paper.

the 27th article of the British treaty, an American citizen is liable to be delivered over to a foreign tribunal on a charge of having committed an offence on board a British ship or in the dominions of that kingdom, or whether that article of the treaty is to be construed to affect only British subjects who may seek refuge from justice in this country?

Another equally interesting question is whether the Executive is justifiable in throwing the weight of his advice and request into the scale on any judicial determination. Each of these points will no doubt require a full and temperate discussion, and, I hope, will be determined consistently with the liberties and safety of our fellow-citizens.

There is an act before us for establishing a uniform system of bankruptcy, which I now think will pass. This was not my opinion till lately. I have serious apprehensions it will be the means of great fraud and abuses, and shall vote against it. Should it pass, I shall be happy to find my fears groundless on the operation of the law.

There is also a new militia law before us, introduced by General Lee. It has been ordered to be printed; but it is not yet done, so that I can only give you some of the principal features of it. It divides the people into classes according to age. All under twenty-six form the first class: these are to be first called out in case of war, and the others are not to be called on so long as the first class are sufficient to defend the country. These young men are to be called out so many days in each year to—(defaced,) the other classes not at all. I do not expect this will pass,—at least, in its present shape.

A resolution was last week laid on our table proposing an alteration in the Constitution to prevent judges from being appointed to any other offices than judicial.

You must have heard of the wonderful revolution in the French Government. What is to be the fate of that long convulsed and distracted country is for time only to ascertain. May it arrive at a permanent and happy system of government, ought to be every good man's wish. We have not yet heard of the arrival of our envoys in France. Some believe that the late change is favorable to negotiation; others think differently. For my own part, with the opportunity I have to judge, I cannot suppose there is much doubt of an amicable adjustment, if, as I have been assured and believe, our envoys are seriously disposed to effect it.

We have not yet had a meeting with the Commissioners of the United States on our land-business, although we have done all we could to obtain one. One of the commissioners has gone to England lately, and another is appointed in his stead. We are now told we are to be favored with a meeting in a few days. We cannot promise ourselves any thing more at present than to obtain from those commissioners such proposals as may be likely to meet the approbation of our Assembly, who may in that case pass another act to accept them; for we are informed, indirectly, that the terms in our act will not be acceded to. We shall, be assured, use every exertion to put this great subject in a train for completion as early as possible.

We have a law respecting post-roads before us, and have got an office inserted in Sandersville from Louisville. I would write you very often if you had a post now.

Yours, truly,

J. JONES.

IX.—JAMES JONES TO D. BLACKSHEAR.

LOUISVILLE, September 11, 1800.

DEAR SIR:—If I had not been prevented by the interdiction of intercourse from Savannah, I should some time since have visited you and some other friends in the western* part of the State, to explain fully the situation of our negotiation about the territory. It will be out of my power to perform that duty, and I will give you a statement of the business on paper.

You will have seen, by my letters from Philadelphia, that nothing could be done under the act of our State or that of Congress. The commissioners had power only to receive our proposals, not to close with them. We had no power to make proposals other than those contained in the law. Thus our negotiations would have terminated at the beginning, had we not supposed it better to endeavor to enter upon such explanations as would tend to bring about the accomplishment of our object as early as possible. With this view, we had frequent interviews with the Commissioners of the United States, who at length told us that if their powers were enlarged they would make us positive proposals immediately, which we might lay before our Legislature for their determination. This we considered a desirable plan, and a clause was introduced in Senate authorizing the Commissioners to agree finally with us and accept a cession on such terms as they might think reasonable. This passed; but a clause was added to empower them to settle all claims of *individuals* to any of the land in question. This I opposed, and after a long debate it was struck out. Another clause, however, was inserted, to authorize them to report a statement of facts to Congress for their decision thereon. This I did not like, and told the House so; but I thought it not so bad as the former, and believed it best not to defeat the law on that account. It finally passed in this shape at the close of the session,—for the Senate had hung up the bill in suspense for three weeks, on account of losing the former clause, which they so ardently wished to pass.

The Commissioners of the United States now brought forward their proposals, which, to our surprise, were by no means such as we had a right from their conversation to expect. They proposed to extinguish the Indian claim to all our reserved lands at the expense of the United States, as soon as the Indians can be prevailed on to relinquish, and, further, to pay to Georgia a sum of money, to be hereafter agreed on, by way of price. This sum they intimated might be five hundred thousand dollars. But they propose to our Legislature to transfer the Yazoo deposit into the Treasury of the United States, and that the United States do indemnify the State against the purchasers. This we assured them we had no power to treat of, nor had the State Legislature power over it, nor, if they had, did we believe they would do any thing of the sort. They said the State might do it or not, as she pleased, but they thought it necessary to propose it. We told them it would be very obnoxious. They also speak of the claims against the lands, which will reduce the price to be paid to the State. We replied, we admit no claims whatever on the lands except those of the settlers, and that we would not, nor did we believe the State would, notice or admit of any claims whatever in the act of cession, when-

* It is quite amusing now to hear of the Oconee as the *western* portion of Georgia.

ever it should be made, and remonstrated against introducing that subject into the proposals. But they answered, we might avoid answering to that part of the proposals if we chose, but they deemed it their duty to suggest the claims.

We discovered very soon a disposition in the commissioners to favor the purchasers if it was possible, and used every means in our power to defeat them. They obtained from the President positive instructions to Col. Hawkins to use every exertion to bring the Indians to a treaty, for the purpose of obtaining the Oakmulgee Fork and Tallasee country, and authority for the Governor of the State to appoint an agent to cooperate with the agent of the United States in bringing about a disposition in the Indians to relinquish their claims to those lands. This paper I enclosed to the Governor on my first arrival; but the present distracted state of the Nation, owing to the wicked projects of Bowles and his abettors, forbid any attempt to hold a treaty at present; and Col. Hawkins has written the Governor to this effect. He also mentions he has received no instructions from the Government on the subject of a treaty. This is unaccountable, as we were assured the Secretary of War would enforce the instructions of the President, by writing in the most pressing manner to the agent on the subject. It may be possible that the copy which I brought on and furnished the Governor was intended to be forwarded to Col. Hawkins; but this is an unusual way of sending despatches, and a very loose and uncertain one. In short, it is mysterious to me how this omission has happened. As it turns out, however, the State suffers no inconvenience from it, for it is obvious that nothing could be done at present with the Indians; and, if a treaty were held, it is most likely the money which Congress have appropriated for it would be faithlessly expended. I trust, however, that the influence of Bowles in the Nation is by this time at an end, and that the divisions and ferment among the Indians will soon subside, and afford us a favorable opportunity of making use of the means and power we have of acquiring the long-wished-for extension of our limits.

I am still of opinion, if our next Legislature are firmly attached to the principles which have prevailed for some years past, and take the proper measures to confirm and establish what has been done, we shall soon have the happiness to see harmony and tranquillity restored, with a confirmation of our just and necessary proceedings. It is not to be denied that there are many men of considerable rank and influence in the General Government deeply interested in the speculations which have been made on our territory, and who have used, and will use, every effort in their power to establish the grants: but I am consoled by the belief that there will be found enough of disinterested patriotism and public virtue in the National Legislature to defeat their towering projects.

It will be necessary, if the Legislature shall think proper to pursue the object of a cession to the United States, to pass another law, giving full power to their commissioners to cede on such terms as they may think right. They may, and ought, at the same time to draw up a set of instructions to their commissioners, prescribing the terms on which they were to cede; for if the terms are specified in the act there will be no room left for negotiation, and the other party have only to say yes or no. Whereas, on the other plan, mutual explanations might produce a fortunate termination of the business, which can hardly be expected from an abrupt

declaration of the terms of cession in the law itself. Of this, however, the Legislature will judge and determine.

I am, dear sir, your most obedient friend and servant,

JAS. JONES.

N.B.—The Secretary of War did not make his report on the claims of the militia till very late in the session. We endeavored, but in vain, to have it referred to a select committee. This could not be carried; for it was contrary to the rule of the House. It was referred to the Committee of Claims; and I frequently pressed that committee to investigate and report on this subject; but it was then so late, and the committee so much thronged with other business, they could not act on it. The chairman has promised, in a letter to me, to take up the subject at the beginning of the next session, when I shall press the matter with every exertion.

Major Blackshear will please communicate this information to his and my friends and constituents in the frontier-counties, and oblige his obedient friend,

J. JONES.

X.—SAMUEL HAMMOND* TO D. BLACKSHEAR.

WASHINGTON CITY, December 23, 1803.

DEAR SIR:—I cover you herewith one of our papers of the day, which will communicate an idea of the proceedings of Congress. Of other news we are very barren here.

The Committee on Claims have, contrary to my expectations, reported unfavorably upon our militia-claims, although the Secretary of War had made a favorable report, which was referred to them. I yet hope, as their report is bottomed upon an opinion directly opposite to all the documents before them, that we shall procure an order for payment whenever the report is acted upon. At present we have a very thin House; and, Gen. Meriwether being one of the members absent, we shall avoid acting upon the report for some time, in order for the absent members being again in their places.

I have not heard any thing from our State Legislature except the appointment of their State officers. I fear they will adjourn before they will have it in their power to act upon the resolutions which passed here, proposing amendments to the Constitution of the United States relative to the election of President and Vice-President. I think it a subject of very high importance, and would be very sorry if we should be compelled to go again to that election hoodwinked as heretofore. The lively recollection of the situation we were placed in at the 'last Presidential election produces my anxiety on the present occasion.

Accept my best wishes for health and prosperity. With compliments of the season, I am, respectfully, your fellow-citizen,

S. HAMMOND.

XI.—GOV. MITCHELL TO GEN. DAVID BLACKSHEAR.

MILLEDGEVILLE, August 4, 1813.

DEAR SIR:—From the representations I have received of the fears of our people on the frontier, under the present state of Indian hostility, I

* Col. Hammond was an officer in the Revolution, was elected to Congress from Georgia in 1802, and, after filling various public employments under the General Government, served as Secretary of State of South Carolina. He died, September 11, 1842, in the eighty-fifth year of his age. See his biography in White's Historical Collections, p. 624.

have to request that you will proceed to that part of the frontier within your brigade, and adopt such measures as will afford some security to the inhabitants, until the troops now ordered to be got in readiness are marched to the attack of the Indians.

You will report to me what you deem necessary in this respect, and have as much regard to economy as the nature of the case will admit.

I am, dear sir, with great regard and esteem, your very obedient servant,
D. B. MITCHELL.

XII.—GEN. BLACKSHEAR TO LT. COL. E. WIMBERLY.

August 7, 1813.

(General Orders.)

SIR:—Agreeably to orders from his Excellency the Governor, of the 4th instant, you will proceed without delay to call out of your regiment one subaltern, one sergeant, one corporal, and fifteen privates to each of the three forts to be built on the frontier of your county, whose duty it will be to erect the said forts agreeable to the plan enclosed. You will relieve the said detachments once every week by the same number, until you receive further orders. Those at Forts Telfair and Twiggs will be furnished with rations by Mr. Drury Williams, and Fort Jackson by Mr. William Jenison. Should any thing transpire to excite further alarms, you will communicate it to me without further delay.

You will call on some expert captain, in whom you have confidence, to take command of the whole detachment, whose duty it will be to superintend the aforesaid works and the discipline of the troops.

I am, &c.,

D. BLACKSHEAR,
Brigadier-General 2d Brigade 5th Division.

Note in the Order-Book.—Similar orders were given to Col. Allen Tooke, of Pulaski county. Major James Taylor is appointed to furnish the men building the forts in said county.

There were also similar orders given to Major Cawthorn, of Telfair county, who is authorized to make a contract to furnish the troops building the forts on the frontier of that county.

XIII.—GEN. BLACKSHEAR TO GOV. MITCHELL.

OONEE, August 13, 1813.

SIR:—I have just returned from my tour on the frontier of my brigade, where I found the inhabitants in a high state of alarm,—an immense number of whom had left and fled to the interior.

I proceeded to lay off three forts on the frontier of Twiggs county, (at about ten miles distant from each other,) about one hundred feet square, to have two block-houses, and enclosed with a stockade eight feet above ground,—and ordered one subaltern, a sergeant, a corporal, and fifteen privates to each, and a captain to command and superintend the buildings, and discipline of the men.

In Pulaski, having a greater extent of frontier, I laid out four, to be built in the same manner as those in Twiggs, and the same number of men to each, commanded by a captain.

I then proceeded to Telfair, and laid out three, ninety feet square, and ordered one sergeant, a corporal, and twelve privates to each, and a subaltern to command the whole, to be relieved every ten days until further

orders. I employed persons to furnish those men called out with meat, meal, and salt until some arrangement can be made.

This plan of defence, with the addition of two horsemen to each fort to reconnoitre on the other side of the river as far as the next fort, I should deem sufficient even in time of actual danger, which protection will be a great inducement to those who have left their homes to return. Those in Telfair should have the same force as the other counties; but that county is thinly inhabited, and the men called out are from the frontier-counties.

Should this plan meet your Excellency's approbation, I shall immediately order men from Wilkinson and Laurens to relieve them; and, if it should be deemed proper to reduce or augment the force thus ordered out, any other order your Excellency may think proper to give shall be attended to with the utmost promptness. My exertions, together with your letter to Col. Tooke reiterating that the frontier should be protected, had great effect in removing the apprehension of danger. Should there be any arms and ammunition to spare, those forts in Telfair county will stand in need of some.

I am, &c.,

D. BLACKSHEAR,
Brigadier-General.

P.S.—I send this express by Mr. Maddux, by whom I can receive any communication you may think proper to make.

D. B.

XIV.—GOV. MITCHELL TO GEN. BLACKSHEAR.

MILLEDGEVILLE, August 14, 1813.

SIR:—Your letter of yesterday I have this moment received by Mr. Maddux express. I hope the inhabitants of the frontier in your brigade will be satisfied with the measures you have adopted, although I am fearful the expense will be very considerable. I shall rely upon the inhabitants in that quarter doing all they can to make the burden as light as possible to the State in her present situation, when all her resources will be wanted to carry on an active campaign against the enemy.

I have thought, since I saw you, that the best mode of securing the whole of our lower frontier will be to erect a fort and block-house on the middle ridge over the river, between that and the Ekau-fo-no-ko Swamp, and occupy it with a suitable garrison. This would save us the trouble and expense of garrisons for all the forts along our frontier, and would hold the Indians in complete check. The objection that it is Indian country can be easily obviated by obtaining the consent of the General Government, and the friendly Indians, if necessary. In the mean time, the posts you have marked out will keep our frontiers in quiet.

I returned yesterday from a tour to Fort Hawkins, and from thence to Clinton, Monticello, and Eatonton. Nothing new has occurred. I expect to issue an order for the march of the troops to the frontier next week.

I am, with high consideration and respect, your very obedient servant,

D. B. MITCHELL.

The express is in such haste to get back that I have not detained him an hour.

XV.—GEN. BLACKSHEAR TO LT. COL. JOSEPH BLACKSHEAR.

September 3, 1813.

(Brigade Orders.)

SIR:—It is but too manifest that a part of the militia of your county called out by the authority of the United States in the late expedition to

Point Petre, either from a disregard to the laws of their country, or from some other cause, failed to perform the duties required of them. I have therefore ordered the captains under whom they were liable to serve to report to you a list of all such defaulters as belong to your county, on the receipt of which you will order a regimental court of inquiry and have the said defaulters duly notified, and will proceed to the trial under the militia law of this State, the eighteenth section of which will completely reach their case.

I am, &c.,

D. BLACKSHEAR,
Brigadier-General.

Similar orders were issued to Lieut. Cols. Wimberly, Cawley, Tooke, and Major Com't Cawthorn, of Telfair county.

XVI.—GEN. BLACKSHEAR TO COL. WIMBERLY.

FORT TWIGGS, September 14, 1813.

SIR :—The danger of an immediate invasion on the frontier appears to have subsided for the present. A detachment of troops having marched out to Flint River will, in my opinion, give security to the frontier. You will therefore discharge the men ordered out on the frontier of your county.

I am, sir, &c.,

D. BLACKSHEAR,
Brigadier-General.

XVII.—MAJ. GEN. ADAMS TO GEN. BLACKSHEAR.

MILLEDGEVILLE, November 19, 1813.

(Division Orders.)

General orders of the 12th instant require me to raise, in the Fifth Division, one hundred and fifty men, seventy-five of whom, including non-commissioned officers, will be furnished from your brigade, to be taken from the first class of militia. When a classification has taken place in conformity with general orders of the 19th day of September, 1812, nine good horses must be furnished by the men of your brigade. You will take care to have attached to the privates and non-commissioned officers the proper and requisite captains and subalterns according to the number you detach from your command,—viz. : one captain, one lieutenant, and one ensign; and you will cause a full and accurate return to be made to the commander-in-chief of this State, and to Major James Patton, of Twiggs county, with as little delay as possible. Should a voluntary tender of services of a sufficient number render detaching unnecessary, they should be accepted.

You will view the frontier-line in your brigade, and select places for the erection of block-houses, and cause the necessary stockading to be laid off at proper and advantageous sites, and suitable distances between ten and twenty miles from each other. You will remember that block-houses have been erected in the counties of Twiggs, Pulaski, and Telfair. They should be retained if by alteration or repairing they can be made to answer the purpose of defence. As soon as the troops shall have volunteered, or be detached, you will command them to march in equal ratios to the different places on the frontier-line which you will have designated and selected for the erection of block-houses. In distributing the number

required from your command, you will exempt those companies which lie immediately on the frontier-line of each county from the performance of this duty, as their services may be wanted in case of an actual attack or invasion, for which service they should be held in constant readiness. The term of service of the troops called out under these orders will be sixty days, at the expiration of which time they will be discharged.

Should the situation of the country require it at the expiration of that term, others will be ordered out to relieve them.

By order of Major-General David Adams :

JAMES WOODRUFF,
Aide-de-Camp.

XVIII.—GOV. EARLY TO GEN. BLACKSHEAR.

MILLEDGEVILLE, December 2, 1813.

DEAR SIR :—Your two letters by Mr. Spear were safely delivered. The Legislature will adjourn the day after to-morrow, and you can readily perceive that I can only snatch a moment to address you. The pay-roll shall have an early attention. The service performed by you must be duly appreciated by the State. Nothing has occurred here worth mentioning since you left us.

I thank you for your ideas on the subject of defence along the route you have marked. I will take that subject into consideration as speedily as possible. I am, very respectfully, your obedient servant,

PETER EARLY.

XIX.—GOV. EARLY TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, January 4, 1814.

SIR :—It has become necessary, in consequence of the disability of Brigadier-General Floyd to take the field, that some officer of the same rank should be detailed from the militia of this State to assume the command of the army from Georgia, now in the service of the United States against the hostile Creek Indians.

The task of doing this devolves upon me. In discharging a trust so important to the public interest, I shall look solely to the good of the service ; and, with this alone in view, I now tender you the command of the army.

Permit me to believe that you will not hesitate a moment to accept it. The operations during the remainder of the campaign are intended to be entirely active. Preparations are already made for an immediate forward movement to the Tallapoosa River, and that movement will take place immediately on your taking the command. The time is short ; but, with every necessary preparation already made, much may be done by the close of the campaign. As the army is now only waiting for a commander, permit me to request that you will repair to this place without the least delay. Here you will receive your instructions from Major-General Pinckney, and can repair forthwith to the scene of operations.

I am, dear sir, very respectfully, your obedient servant,

PETER EARLY.

XX.—GEN. BLACKSHEAR TO GOV. EARLY.

CAMP, TEN MILES SOUTH OF FLINT RIVER, January 13, 1814.

SIR :—I have just received your Excellency's despatch by the hand of Captain Lane, dated the 10th instant, with the enclosed copies of an order

from Major-General McIntosh, and the report from Col. Hawkins on which the order is forwarded for my again pursuing the object of my first expedition.

I have remained silent on the subject of Col. Hawkins's numerous reports until silence on that subject would cease to be a virtue. Such ambiguous reports are calculated to keep the army bandied about without ever having it in the power of any commander to effect any thing.

When I first arrived at Camp Hope the Micasukie Indians were represented as hostile, the British force at the Appalachiecola few in number, the Red Sticks, or hostile Indians, at about three hundred. At Perryman's, before I left that place, the Micasukies were represented as friendly, the Seminoles hostile. I endeavored to find out who were the Seminoles; but all the information on that subject was so vague and evasive, and contained so many ambiguities,—the same reports at different times explained differently,—the same Indian towns represented at different times by different names, all calculated to mislead any officer who was credulous enough not to suspect some design.

The day after I left Camp Hope I received an order from Gen. McIntosh, grounded on another report, that fourteen thousand British troops were at the mouth of this river. Now there are a few, some Indians and some negroes, and the Micasukies have been killing people in Wayne county; and, after all this, it is thought one battalion will be sufficient to conquer the whole of them with the co-operation of Col. Hawkins's seven hundred Indians, and that without artillery or rifles.

If I had the planning of the expedition, (and which I deem of the first importance to Georgia,) I should ask a full regiment, exclusive of detachments to guard my depôts, if Col. Hawkins and his seven hundred troops remained at Fort Mitchell; but if they were to go and co-operate with me, I should want at least fifteen hundred effective men, besides officers. No calculation can be made on any advantage that can result from the colonel and his red force. If your Excellency will only turn to the letter which I saw published two or three weeks since, grounded on one of these reports, stating the receipt of a letter from Linebaugh, dated the 15th of November, the contents of which were reported to Gen. McIntosh about the 18th of December, stating the intelligence of the ten ships and fourteen thousand British at the mouth of the river,—if the date of that letter comports with the one I received, it will be seen that it was something more than a month from Linebaugh to Col. Hawkins, and was not communicated to Gen. McIntosh until after I marched from Camp Hope.

If Gen. Jackson or Gen. McIntosh believe that they can induce Col. Hawkins and his red regiment to fight, why not march them to Mobile? Why send them where they are not wanted? I know of no other service they can or will render with me but to employ one-half my force to watch them, and to punish us if we should meet with a repulse; for I should calculate as certain on their turning on us and assisting the enemy in our destruction. But I am aware of them, and told Gen. McIntosh that I did not want that force with me; that if Barnett and about one hundred of his Indians were to go with me I should have no objection.

A great number of my men are sick. Three have died since I crossed the Ocmulgee, three more like to die, about ninety sick and convalescent. A number deserted. I have about seven hundred effectives to guard my places of deposit which I must necessarily establish, to destroy all the hostile Indians, all the negroes, and all the British at the mouth of this river,

and at the same time keep an artful commander and seven hundred warriors in check. Of my situation your Excellency may judge. If I can only obtain provisions, (and of which I have but little doubt if Captain Lane continues here,) I think we shall give a good account of ourselves before long. We shall have to beat meal a few days until the supplies can get on. I shall wait here to-day, and then return back to Flint River, and there act as my orders and circumstances require.

There is a six-pound piece of ordnance in Hartford which might be of great service to us if it was mounted and we had ball.

On my arrival at this place I examined my ammunition, and find the powder fit for nothing but to burn in artillery or to practise with blank-cartridges. My cartridges are too small to load and prime, and some of them in bad condition. If your Excellency could let me have some powder of a good quality, I could go into action with much more confidence.*

XXI.—FROM GOV. EARLY TO GEN. BLACKSHEAR.

MILLEDGEVILLE, April 19, 1814.

DEAR SIR :—I have for some time forborne taking any definitive steps in relation to the contemplated road from Ocmulgee to St. Mary's, though we wish to have an understanding with Col. Hawkins which might prevent any thing unpleasant from arising between us and the friendly Indians. This understanding is now effected, and there is no obstacle remaining against proceeding immediately to the accomplishment of the object.

To concert properly the arrangements and preparations, so that it may progress speedily and be executed judiciously, is a matter very desirable. For this purpose I wish to have with you a personal interview. If, therefore, it be not too troublesome, I hope and request that you will, as early as may be convenient to you, come to this place.

Major James Taylor has offered to furnish all supplies.

I am, sir, with high regard, your obedient servant,

PETER EARLY.

XXII.—MAJOR-GENERAL ADAMS TO GEN. BLACKSHEAR.

HEAD-QUARTERS, 15th Division G. M.

SIR :—In pursuance of general orders from the commander-in-chief of the militia of this State, you will, immediately on the receipt of this order, cause the whole of the first class of the militia within your brigade to be assembled at the respective court-houses of the counties in which they reside, for the purpose of being trained and disciplined by their company-officers at least one day in every two weeks.

It is to be understood that the troops (if not already done) are to be organized into companies until they are ordered to take the field, and that each company shall consist of one captain, one first lieutenant, one second lieutenant, one third lieutenant, one ensign, five sergeants, six corporals, two musicians, and one hundred privates. A muster-roll of each com-

* The letters from Gen. Blackshear here published, to which no signature is attached, are from the rough drafts in his handwriting, or from the Order-Book.

pany, with the names alphabetically arranged, will be returned to me without delay.

By order of Major-General Adams :

WILLIAM COOK,
Aide-de-Camp.

XXIII.—GOV. EARLY TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, July 16, 1814.

SIR:—It has become my duty to appoint the general officers who are to command the first class of the militia of this State. There will be to the detachment one major-general and two brigadiers. Yourself and Gen. Floyd are fixed on as the brigadiers. Be pleased to inform me as early as possible whether you will accept.

I am, with high regard, your obedient servant,

PETER EARLY.

XXIV.—GEN. BLACKSHEAR TO GOV. EARLY.

OCONEE, July 20, 1814.

SIR:—I this day received yours of the 16th inst., in which you have honored me with a tender of the command of one of the brigades composed of the first class of the militia of this State. I beg leave, therefore, to signify to your Excellency that I am at all times ready promptly to accept that or any other appointment you may think proper to confer on me in which it is in my power to serve my country.

Believe me to be, with highest consideration, respect, and esteem, sir, your Excellency's humble servant,

DAVID BLACKSHEAR,
Brigadier-General.

XXV.—FREDERICK FREEMAN TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, August 25, 1814.

DEAR SIR:—I have just received your letter of this morning by Mr. Bane, and, as his Excellency is not now at the seat of Government, have thought proper to give you *my opinion* upon the subject to which it relates.

We have certainly good reasons to calculate upon military operations from this quarter at no distant period; and it is equally certain that, in that event, the tools and camp-equipage spoken of will not be a burden to the troops. I therefore accord with you in the opinion that they had better be "retained for further public use;" for, although the General Government will be expected to furnish those articles, yet we know how deficient they have been on former occasions. At all events, no injury can result to the State by suspending the sale of them until you can hear from his Excellency upon the subject. He will be here on Monday next.

Col. Hawkins has written to the Governor that the enemy at Appalachicola have ten vessels,—are using all stratagems in their power to deceive the Indians and unite them in their cause. They are training some Indians and negroes in military tactics for purposes hostile to us, telling them that seven nations have combined to put down France, and are now

united and determined to conquer America. All this is stuff to dupe the poor devils.

Gen. Jackson has terminated his negotiations with the Creeks, (says Col. Hawkins.) The line of limits drawn from them is Coosa River (reserving two miles square for Fort Williams) to the falls seven miles above Fort Jackson; thence across to the Tallapoosa at the mouth of Opickshee Creek; thence up said creek ten miles; thence to Chattahoochee, at the mouth of Sun-mo-chi-co Creek, and thence east to Georgia, (supposed to strike the Ocmulgee near the commencement of the new road cut out by your brother,) with an occasional reserve to accommodate the Kinnards. All below the line belongs to the United States.

I have to beg you to excuse my scrawl, for I write in haste, as the bearer is waiting, and I expect you would like to know the facts I have written.

For fear that you may not have seen the last general order relative to the organization of the first class, I send enclosed herewith a copy; and am, with high respect,

Your most obedient humble servant,

FRED. FREEMAN.

N.B.—I am not a candidate, nor can I reconcile it to myself to be one; but I shall be with you when you are called on to take the field, if upon my own expenses.

XXVI.—GOV. EARLY TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, September 1, 1814.

SIR:—I had the honor in due time to receive your letter accepting the appointment which had been tendered to you in the first class of militia ordered to be held in readiness for the field.

When I determined on organizing this detachment, and on having them ready for service, I took the step from a conviction that the crisis rendered it necessary. I had not then received from the War Department any requisition or instructions on the subject. Two days after the date of my letter to you, a requisition from the War Department was received at this office for detaching, organizing, and holding in readiness three thousand five hundred militia for United States service. This requisition prescribes one major-general and two brigadiers. Our movements were, therefore, fortunately timed. The same major-general and brigadiers will command, should it alone be ordered into service.

I have now, after immense difficulties arising from the law of the last Legislature, nearly completed the organization of the whole of the first class, save from Floyd's brigade. That brigade, for obvious reasons, is to remain untouched. In ten days at farthest, the quota, or the whole of the first class, will be completely ready to march. If the quota only is to be used, it can at once be ordered from such parts of the State as may be deemed most advisable.

The elections for company and field officers I have ordered to be held at home. The former have all taken place; the latter will be over within ten days. I have thought it proper to communicate these matters to yourself and the other general officers appointed for this command. The distance of all of you from the seat of Government has deprived me of the benefit of your advice; but I have proceeded with an honest zeal to do

that which my best judgment prescribed. The issue I leave to Providence and the courage of my countrymen.

I have the honor to be, with high regard, your obedient servant,
 PETER EARLY.

XXVII.—COL. ALLEN TOOKE TO GEN. BLACKSHEAR.

HARTFORD, September 8, 1814.

SIR :—I have this day received information from Christian Linebaugh, assistant agent, which contains alarming news; and, in order that you may be fully acquainted with the same, I hereunto annex a copy of the official note received for your perusal :—

“CHATTAHOOCHEE CAMP, NEAR FORT MITCHELL, September 4, 1814.

“To the Inhabitants of Pulaski county and the town of Hartford.

“It becomes my duty to make known to my fellow-citizens of Georgia that I have received information from down this river that the Seminole Indians are preparing to make an attack upon Hartford or this place. They have as yet not determined at which place they will strike first. If the information I have received is correct, Hartford, or that neighborhood, will be the first place they will aim for. I think it would be advisable for the inhabitants to be watchful, and have guards and spies out in that quarter, and be prepared for the events. In a short time we shall know how affairs will be with these Lower Indians.

“I am, very respectfully, your obedient servant,

“CHRISTIAN LINEBAUGH,
*“Principal Assistant-Agent for Indian Affairs
 Creek Nation.”*

Sir, I have repeatedly laid letters before you which go to prove the foregoing facts: therefore I have to ask your pardon for intruding on you, which I hope you will grant. The foregoing has created great alarm among the inhabitants of this county. I have therefore ordered an ensign's command to Forts Pike, Greene, and Lawrence, and forty privates, a lieutenant, two sergeants, and two corporals to Fort Mitchell, and one captain to take command of the whole. I am somewhat at a loss respecting the furnishing the provisions: therefore I hope you will instruct me immediately, as I have not laid the orders I have given before his Excellency the Governor.

The first class of militia being organized and given up for the United States service, I have thought proper not to order or request them to perform any service unless in case of invasion: therefore you will be so good as to instruct me whether or not I should order the first class into service.

As we are very weak after deducting the first class, which is within your own knowledge, I hope you will as early as possible aid us in the protection of our defenceless frontier.

I am your most obedient servant,

ALLEN TOOKE,
*Lieutenant-Colonel 36th Regiment
 Georgia Militia.*

XXVIII.—GOV. EARLY TO GEN. BLACKSHEAR.

HEAD-QUARTERS, GEORGIA, MILLEDGEVILLE, September 17, 1814.

(General Order.)

It being represented to the commander-in-chief that the Indian frontier on the counties of Twiggs, Pulaski, and Telfair is menaced with depredations from the hostile Indians, Brigadier-General Blackshear will order some prudent and judicious officer, with a patrol of cavalry, consisting of twenty privates, armed with guns, to explore the country between the Ocmulgee, opposite Hartford, and Flint River, at, below, and above the Hitchee Town.

The object of the expedition is twofold:—first, to ascertain whether any hostile Indians are lurking in that quarter; secondly, to ascertain the best practicable route for a road from Hartford to Flint River, striking the latter below the mouth of We-cuy-wau Creek. The officer who shall be ordered on this service will be charged carefully to avoid any interruption with friendly Indians.

By order of the commander-in-chief:

ANTHONY PORTER,
Secretary

XXIX.—GEN. BLACKSHEAR TO CAPTAIN RICHARD THOMAS.

OCMULGEE, September 19, 1814.

SIR:—I am directed by the commander-in-chief of this State to order some prudent and judicious officer, with a patrol of cavalry, consisting of twenty privates armed with guns, to explore the country between the Ocmulgee, opposite Hartford, and Flint River, at, below, and above Hitchee Town. The object of the expedition is twofold:—first, to ascertain whether any hostile Indians are lurking in that quarter; second, to ascertain the best practicable route for a road from Hartford to Flint River, striking the latter below the mouth of We-cuy-wau Creek.

I have, therefore, with the public interest alone in view, thought proper to call on yourself. You will with the least possible delay take the aforesaid number of privates, who will furnish themselves with about six or seven days' provisions, and arms as above directed, and perform the said tour of service; and at the same time be careful to avoid any interruption with friendly Indians; and immediately on your return make your report to the commander-in-chief.

Believe me to be, with the highest consideration and respect, sir, your humble servant,

D. BLACKSHEAR,
Brigadier-General.

XXX.—EZEKIEL PARK TO GEN. BLACKSHEAR.

GREENSBORO, October 13, 1814.

SIR:—It is anticipated that you will have the command of the new requisition of militia ordered into service by the United States from the State of Georgia. An old citizen of this place, (Dr. William W. Strain,) quite eminent in his profession and other public business, is desirous of promoting his country's cause by tendering his services in the direct line of his profession. Should it be in your power to confer upon him the

appointment of hospital-surgeon, you will highly gratify the solicitations of a number of his and your friends.

I am, sir, respectfully, your obedient servant,

E. PARK.

XXXI.—GOV. EARLY TO GEN. BLACKSHEAR.

HEAD-QUARTERS, GEORGIA, MILLEDGEVILLE, October 21, 1814.

(General Orders.)

The commander-in-chief of the militia of this State, having been required by a letter from the Secretary of War, dated 25th September ultimo, to organize, arm, and equip two thousand five hundred of the militia of Georgia, detached conformably to the orders of the War Department of the 4th of July last, to be held in readiness to join Major-General Jackson, now in the Western country near Mobile, and by a second letter, dated the 10th of October instant, to put in march as soon as practicable the said detachment, orders and directs the following-described regiments, or corps of the first class of militia, to be marched by their respective commanders to Fort Hawkins, on the Oemulgee River, by Monday, the 21st day of November ensuing, viz. :—

The regiment detached from Major-General Daniel's division, commanded by Col. David S. Booth, and the regiment commanded by Col. Ezekiel Wimberly, detached from Brigadier-General Blackshear's brigade, including the two companies of the first class from Brigadier-General Lee's brigade, in Jones county, and also a volunteer company of artillery commanded by Captain James Saffold, in Clinton, Jones county.

The commanding officers of the foregoing detachments will direct the captains of companies to require of their men to provide themselves with provisions, and employ a baggage-wagon to accompany their several commanders from the place of their march until they reach the rendezvous, for the purpose of transporting such articles of camping and cooking-utensils as may be provided by the men for their own comfort and convenience during the campaign.

At Fort Hawkins they will be furnished with provisions by the United States Army Contractor. They will likewise be furnished at the same place with arms and accoutrements; but it would be very desirable that all persons who can furnish themselves with rifles, shot-pouches, &c. to do so, as they might be formed into companies of riflemen after their arrival at the rendezvous.

The officers commanding regiments and companies are therefore directed and required to use their best endeavors to procure as many of this species of arms as possible, because of their great value in the mode of warfare which will in all likelihood be pursued by our enemy. Substitutes may be received, provided they be able-bodied, strong, and healthy men, by the captains at or before their arrival at the place of rendezvous, but not after their march from thence.

Major-General John McIntosh and Brigadier-General David Blackshear will command this detachment of militia.

By order of the commander-in-chief:

DANIEL NEWMAN,
Adjutant-General.

XXXII.—FARISH CARTER TO GEN. BLACKSHEAR.

FORT HAWKINS, November 23, 1814.

SIR:—Yesterday I notified the quartermaster of the regiment that I should be ready to issue provisions to them at sunrise, and, in consequence of the late hour they arrived to draw provisions, there is considerable complaint of the meat being killed last evening.

You will be pleased to make known to me the hour that provisions are to be issued, and will appoint some one to inspect the same before they are offered to be issued, as the loose way of doing business as heretofore, of every *man* inspecting the provisions, is not admissible by my contract.

I have the honor to be, with respect and regard, sir, your obedient servant,

FARISH CARTER,
Army Contractor.

XXXIII.—FARISH CARTER TO GEN. BLACKSHEAR.

FORT HAWKINS, November 23, 1814.

SIR:—Having applied to the commanding officer of this post for an escort for the protection of the cattle and hogs designed for the army, and having received for answer that it will be out of his power to comply with the requisition, owing to the limited force under his command, he requests that I should apply to you on the subject. The beef and pork are ready to start. You will oblige me by stating if it will be in your power to furnish the necessary escort in the morning.

Yours, with respect and regard,

FARISH CARTER,
Army Contractor.

XXXIV.—MAJOR-GENERAL MCINTOSH TO GEN. BLACKSHEAR.

FORT HAWKINS, November 23, 1814.

(Detachment Orders.)

Brigadier-General Blackshear will proceed to organize the detachment now assembled at this place into two regiments and a battalion, agreeable to the enclosed table, which will be his guide.

Col. Wimberly's regiment, being far short of its complement, must be completed by companies of the second class of militia from the counties of Jasper and Morgan. These will be entitled to choose a major.

The battalion will be formed of Captain Saffold's artillery-company, three rifle-companies, commanded by Captains Henry Lane, Samuel Lane, and Thomas Anderson, and one line-company of the second class from the county of Morgan. Col. Booth's regiment being full without Captain Anderson's rifle-company, which is directed to form a part of the battalion. The battalion will be entitled to elect a lieutenant-colonel and one major.

Major Philip Cook will inspect and muster the troops when thus organized.

The contractor will issue the rations in future at the camp, where regimental deposits must be provided for the reception of rations, and the regimental quartermasters will attend to receive their rations.

General Blackshear will appoint two discreet persons to inspect the beef or pork before it is issued; and, should said inspectors reject as unwholesome any part of the rations offered to the troops, the contractor is imme-

diately to be apprized of the same, being his property, that he may make the best disposition he can of any part of the rations legally rejected as unwholesome,—the troops having no control over what is not issued to them. The rations will be issued at sunrise every morning.

Returns of the state of the army must be made without delay, that the general commanding may be apprized of the delinquency in his command. The general flatters himself that every officer attached to his command will feel the necessity of his strict attention to the duties devolved on him from his station, and that good order, and a disposition to forward the interest and welfare of our country, will pervade the army he has the honor to command.

The Rules and Articles of War which govern the United States Army are to be the rule and guide of our conduct. They are therefore to be read to the army by the commanding officers of companies at least once a week. This order will be communicated through the adjutants of regiments.

By order of Major-General John McIntosh :

THOMAS HATSON HARDEN,
Aide-de-Camp.

XXXV.—MAJOR MARK HARDIN TO GEN. BLACKSHEAR.

CAMP COVINGTON, November 27, 1814.

DEAR GENERAL:—This is the third time I have sat down to write you since the army has pitched its encampment. I was defeated, having been obliged to attend to other business. I did hope to have received an answer to my letter from Savannah (soon after my arrival at that place) ere this, but was always disappointed. I cannot account for this in any other way than that you have been as busy as I have, though I don't know this to be the cause; yet I am induced to believe it as the most plausible from what must have been, and must now be, your situation. I know you had a very correct idea of the trouble of managing a large body of raw troops before, which I presume you must by this time find realized. There is no doubt but an officer commanding militia in the service, and does his duty, fully earns his money.

There is a report here that Gen. Jackson has had another fight with the British and was victorious, having had it in his power to count four hundred of the enemy slain on the field, with the great disparity of loss of only one hundred on our side. God grant the truth of this report! The privateer Gen. Armstrong has lately been taken, as you will see by the enclosed handbill. The Wasp has been doing great things lately. Oh, what a fine fellow Blakely is!

It appears that our affairs at the North are yet badly managed. What Gen. Brown had gloriously fought for during the summer, Gen Izard has been obliged to give up in the fall. This is truly unfortunate, for we shall again have to begin the work next year. Whether this misfortune is to be imputed to Gen. Izard or not, I am not yet sufficiently convinced, and hope it is not. One thing is certain: the general is not as popular in the country as he has been.

I am every day more confirmed in my good opinion of Governor Early. The stand which he has taken against the alleviating-system is sufficient to convince any reasonable man of his independence; and his reasons for

not signing the bill is a substantial evidence of his correct knowledge of human nature, and judgment in the proper form of government. I am well aware that if the law is opened now it will distress a number of citizens: but there is another fact which long experience has taught us equally true; that is, the longer the law is suspended the more deeply those citizens will be involved.

It is reported here that a battalion of the troops which are now at your head-quarters took Milledgeville in their route thither, and while there behaved most ridiculously, threatening to force the Legislature to act as they should dictate as soon as they got arms in their hands. On this occasion, it is said, the Governor gave an additional proof of his firmness by going to the officer who had command of them and ordering him to march immediately, or he would put him where he could be found again. I hope to God this is not true. Though it is credibly reported, yet I can't believe that there are that number of the citizens of Georgia who are so hardened in corruption. If it is true, my God, what a motley face it will carry abroad! It will place a stain on the character of a Georgian that the present generation will scarcely be able to wipe off, no matter how correct their conduct may be in future.

The wars in Europe appear to be reviving. It is said *Austria* has a large force in the field. France has also a large force ready for exigencies, and Lord Hill will be ordered elsewhere than to America. This augurs something in favor of us. *Lord* send that they may get to pulling each others' wool in Europe again! This may be a wicked prayer, but I can't believe it; for I do think that every prayer which is made for the good of our country is a religious one, though it may be ushered from the heart and through the lips of one who is called by the professors of religion a sinner; and I do think that this prayer is for the good of our country, because it will compel (speaking ironically) our old friend King George to keep some of those invincible troops which he has been threatening us with, at home, for other purposes of more immediate importance to him, thereby leaving it more in our power to bring him to a speedy accommodation with us. Adieu, for the present, to the affairs of Europe: Stop! I must ask you if you don't think Napoleon is only sleeping.

My dear sir, I have so little time for private correspondence that I can't copy this letter,—therefore must request that you will receive it with its blots as one that I can only offer in place of another without blots.

Our troops improve much in discipline. I drill the officers separately every morning, and the brigade at ten o'clock. This, in addition to the writing-part of my duty, I can assure you, is enough for any one man to attend to. I am informed that Major Easter is your assistant adjutant-general: he will make a good officer.

In writing to Mrs. Blackshear, I'll thank you to tender my respects to her and Miss Bush. You will be good enough also to give my respects to Col. Wimberly, Major Hamilton, and my uncle, John Hardin, together with others of my friends who may inquire after me. General Floyd has not been entirely well since he left home, but has been able to attend to his duties. He desires me to give his respects to you. I should be very glad to be with you; but there is no hope of such an event.

That you may reap laurels to the honor of yourself and your country is the sincere prayer of your sincere friend,

MARK HARDIN.

XXXVI.—BEDNEY FRANKLIN TO GEN. BLACKSHEAR.

MORGAN COUNTY, December 1, 1814.

DEAR GENERAL:—I will take the liberty of introducing to your acquaintance Doctor Abner Franklin, who will hand you a copy of Bonaparte's Campaigns. If you will be encumbered with them, they are at your service.

I would be very much delighted to see you, as I am persuaded (at this time) you are in the avocation that nature designed you to act, and, it is trusted, conspicuously; but my health will scarcely permit my coming down.

I am, dear sir, very respectfully yours, &c.,

B. FRANKLIN.

XXXVII.—MAJ. GEN. McINTOSH TO GEN. BLACKSHEAR.

CAMP HOPE, December 8, 1814.

Brig. Gen. Blackshear will have Captains Williams's and Thomas's companies, of Col. Wimberly's regiment, consolidated into one company, and proceed to have an election for company-officers. A major and two captains, not being candidates, will preside, with a sergeant's guard to preserve order. The men attached to each company will be permitted to attend and give in their votes. The general will order this election at as early an hour as may be convenient, naming the officers to preside at said election.

By order of Maj. Gen. John McIntosh :

DANIEL OTIS DUNHAM.

XXXVIII.—GOV. EARLY TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, December 9, 1814.

SIR:—I have this day written to Gen. McIntosh, and enclosed him a copy of General Jackson's letter to me. This letter contains a paragraph which appears to me to countenance, in a particular manner, the course which was decided on at our conference. The Seminole settlements lying sixty miles to the west of Flint River can, I apprehend, be most advantageously destroyed by a rapid march from some convenient point on that river, which shall be selected as a depôt. The troops may carry provisions enough, without wagons, to last them until their return to the depôt. This movement will probably have the advantage, too, of being unexpected by the enemy.

I intend to hold in readiness two hundred horsemen, who will be directed to overtake the infantry, after the latter shall reach the river and establish their first depôt. The object will be to co-operate in the destruction of the Seminole settlements.

I have the honor to be, very respectfully, your obedient servant,

PETER EARLY.

XXXIX.—MAJ. GEN. McINTOSH TO GEN. BLACKSHEAR.

CAMP HOPE, December 14, 1814.

(Detachment Orders.)

Brig. Gen. Blackshear will march, with Col. Wimberly's regiment of infantry, direct from this encampment to Hartford, on the Ocmulgee

River, and proceed from thence by opening a road in the most direct way to the Flint River, bearing in mind that he must apprise me, from time to time, of the strength and movements of any hostile Indians that he may acquire a knowledge of on his march,—taking special care that the information sent me may be the best his means may afford or admit of, keeping in view the object of his march,—to wit, to deter any hostile or marauding party of Indians from committing acts of violence or making predatory excursions on the frontiers of the State of Georgia most exposed to their savage fury, making every effort at the same time to arrive at the Flint River as speedily as possible, giving me the earliest information of that event.

Upon Gen. Blackshear's arrival at the Flint River, he will proceed to select a proper situation as a place of deposit for provisions, and throw up a small breastwork, with pickets around it, and two block-houses at right angles of the same, about sixteen or eighteen feet square, which will be sufficient to secure the work from assault on every side. A subaltern's command will be sufficient for this station, who will remain and occupy it until otherwise ordered or relieved. His Excellency the Governor will detach two hundred horsemen to join the general at this point, as soon as, in his opinion, a sufficient time has been allowed to this detachment to reach Flint River.

Major Blue, of the 39th Regiment, with about sixteen hundred mounted men, Choctaws, Chickasaws, and Creeks, were to march on the 1st inst. in pursuit of the Red Sticks and their allies. Col. Hawkins's warriors are likewise ready, and will join to chastise the Seminoles or any other hostile tribe of Indians that may be collected or collecting; and (if necessary) I will combine my whole force to that object,—which will depend on the intelligence I shall receive from you. If there should be the smallest grounds for believing a collected enemy in the route directed, the general will be particularly cautious to march in regular order, either in two or three columns, as he finds most convenient,—keeping an advance and rear guard, with double flankers in front, centre, and rear, to prevent surprise or ambuscade. The flankers ought to be relieved every hour, being an arduous duty.

The general's own prudence will suggest the propriety of securing his command from any advantage which the enemy might take in night-attacks, by felling trees and throwing up intrenchments wherever he encamps.

The general will keep in view the importance and necessity of my being well informed in all matters relative to his command, that I may act promptly as circumstances may require; and he will report himself ready to join me as soon as he reaches the Flint River.

Before you march, you will order the regimental surgeon to report to you any of your detachment incapable of performing duty from indisposition; and, should there be any that require medical aid, a surgeon's mate must be left with them, and one or two attendants, if necessary, with orders to proceed on to Fort Mitchell as soon as the surgeon deems them able to perform the march.

By order of Maj. Gen. John McIntosh :

DANIEL OTIS DUNHAM,

Aide-de-Camp.

XL.—GEN. BLACKSHEAR TO COL. ALLEN TOOKE.

CAMP HOPE, December 12, 1814.

SIR :—I have ordered Lieut. Dean with a detachment of men to Hartford, for the purpose of building a flat on the river at that place; and, as we are not provident of grindstones here, you will let them have the one that Maj. Elijah Blackshear purchased at Dublin for the road-cutting expedition, and which was carried to that place by Maj. S. Taylor. Should they stand in need of any other tools to accomplish the object of their mission, you will furnish out of those left by Maj. Blackshear's orders, and which, I understand, were put in your care. They are public property, and, be in whose care they may, you can command them. I have spoken to the Governor on the subject, and should be glad if you would furnish Lieut. Dean with any information that may facilitate his business. I expect to see you in a few days.

I am, sir, with the highest consideration and respect,

D. BLACKSHEAR,
Brigadier-General.

XLI.—GOV. EARLY TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, MILLEDGEVILLE, December 14, 1814.

SIR :—It is desirable that I should be particularly informed of the time of your movement, to the end that I may prepare the reinforcement contemplated. If that reinforcement is to consist entirely of mounted men, I apprehend they need not leave Hartford until you arrive at Flint River and establish your dépôt. I fear, however, that it will be found very difficult to forage two hundred horses, and would suggest the propriety of one hundred mounted men and one hundred infantry, the latter to garrison your dépôt. Your ideas in detail on the whole subject would be very acceptable. I wish to go up the country early next week, and must make all the arrangements before I leave here.

I am, very respectfully, your obedient servant,

PETER EARLY.

XLII.—GEN. BLACKSHEAR TO THE OFFICERS OF HIS COMMAND.

CAMP HOPE, December 16, 1814.

(Detachment Orders.)

The third regiment, under the command of Col. E. Wimberly, will hold themselves in readiness to strike their tents and take up the line of march to-morrow, at eight o'clock A.M. The regiment will march in two columns. The first battalion, commanded by Major Lawson, will take the right. The officers will be responsible for the good order of their respective commands, to see that the men do not break their ranks, leave their companies, and stroll out of the army. Should any officer or soldier be so regardless of the duties incumbent on them as to leave the army without special permission from the officer of the day or commander-in-chief, or commit any depredation on the person or property of any citizen of the country through which he may pass, he may rest assured that he will be punished according to the nature of his offence. But the general has a fond hope that none of his detachment will, regardless of his orders, subject him to the painful necessity of even reproving them.

XLIII.—GOV. EARLY TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, December 16, 1814.

SIR:—I have just received, by Major Grey, your letter of yesterday. You will consider yourself authorized to take with you such of the State's tools at Hartford as you may deem necessary or useful.

Captain Thomas's troop of cavalry in the county of Pulaski is in a constant state of readiness for service, and his company must be the one which shall attend you. You will therefore apprise him of this as early as possible, and issue to him the necessary orders. The time at which it may be most advisable for him to leave Hartford and pursue you must be left to your judgment. The length of time it may be expedient for him to remain with you, depending on events yet to happen, cannot now be prescribed. But, whenever the objects of your movement down Flint River shall be accomplished, it will be proper that he should return. I enclose you the chart made by Captain Thomas of his route last September.

The company of infantry intended to garrison your depôt must be drawn from the first class remaining in the county of Twiggs or Pulaski, or from both, as you may deem most advisable. And, as those counties are within your brigade, you will issue the necessary orders accordingly. I presume that if this company shall overtake you by the time at which you shall have completed your fort it will be sufficient. The arms and accoutrements necessary for their use must be taken from those belonging to the State at Hartford.

I am, very respectfully, your obedient servant,

PETER EARLY.

XLIV.—MAJOR-GENERAL MCINTOSH TO GEN. BLACKSHEAR.

CAMP HOPE, December 19, 1814.

DEAR GENERAL:—I think it expedient to give you immediate intelligence of information I have this moment received through Col. Hawkins, that may be relied on.

The British have determined to meet us half-way and contend the point of superiority with us. The following is the substance of the communication through Mr. Linebaugh, dated 15th November last, camp near Fort Mitchell:—"Power Hanjoe says, a runner which he sent from his town to Forbes's Store to learn the truth about the Red Sticks and the movements of the British, said runner gave Power Hanjoe the following talk:—"Ten British vessels are at anchor near Deer Island; seven of them are very large, and the British say each of those vessels have two thousand men on board, which will make fourteen thousand men. The other vessels are of a smaller size, and loaded with ammunition and presents for the Indians. The British have built a powerful strong fort at Forbes's Store, and the British landed and put three hundred men in the fort, which he saw with his own eyes. He further states that he expects the whole force will land there. He was down there, and saw the ten ships. Numbers of the troops are negroes. The British have invited all the Indians to come and receive presents; and all the Red Sticks have arrived there, and all runaway negroes have gone to the British."

You will readily perceive, from the substance of this information, the necessity of your using all diligence in getting to the point of destination,—to wit, the confluence of the Chattahoochee and Flint Rivers, and

to report to me immediately: at the same time to use every exertion to accomplish a place of deposit in as little time as the means you have will do so.

In great haste, I remain, dear general, your friend and obedient servant,
J. MCINTOSH.

XLV.—GEN. BLACKSHEAR TO GOV. EARLY.

CAMP BLAKELY, December 23, 1814.

SIR:—I hasten to transmit to your Excellency a list of delinquents, and also of the deserters from the detachment under my command. It is presumed by some of the officers that some of the deserters will join camp in a day or two. Others, I think, will not.

I arrived at this place (Hartford) last evening, and am anxious to cross the river; but, on my arrival, I found my flat (which I had sent a detachment to build) not finished, owing to the insufficiency of the tools furnished by the quartermaster-general's department. The axes are said by my workmen to be made of iron. Only twelve screw-augers,—not worth a cent. I fear my operations will be impeded, owing to that circumstance; but, so soon as I can possibly get off, I shall march.

I have ordered the troop of horse and company of infantry to hold themselves in readiness to march at the shortest notice. If I should not be better advised, I shall order the rations and transportation from the same department from which the rest of the army is supplied as soon as they rendezvous.

On my arrival at my first depôt, I shall not fail to communicate any occurrences which may transpire.

I have the honor to be, with the highest consideration, your Excellency's obedient servant,
D. BLACKSHEAR, *B. Genl.*

XLVI.—GEN. BLACKSHEAR TO CAPT. THOMAS.

CAMP BLAKELY, December 23, 1814.

SIR:—Agreeably to orders from his Excellency the Governor of this State, you will immediately warn, and hold in readiness to march at the shortest notice, your troop of horse, consisting of one hundred men. It is presumable you will be called on about the first of January next, if not sooner. You will be prepared to serve at least five months, unless sooner discharged.

I have the honor to be your obedient servant,
D. BLACKSHEAR,
B. Genl., 2d Brig. 5th Div. G. M.

XLVII.—GEN. BLACKSHEAR TO CAPT. GROCE.

CAMP BLAKELY, December 23, 1814.

SIR:—Agreeably to orders from his Excellency the Governor of this State, you will warn, and hold in readiness to march at the shortest notice, all of the first class of Pulaski county militia, to which will be added the first class of the frontier-districts of Twiggs county; and, immediately on your receiving marching-orders, you will apprise Major James Patton of the time and place of rendezvous, who will order them, under the care of some expert officer of the militia, to that place, and of which you will take charge, to the amount of one complete company in the whole. You will in the mean time apprise the men to pre-

pare themselves for an expedition of six months, unless sooner discharged.

Believe me to be, with respect, yours, &c.,
D. BLACKSHEAR,
B. Genl. 2d Brig. 5th Div. G. M.

XLVIII.—GEN. BLACKSHEAR TO GOV. EARLY.

CAMP BLAKELY, December 28, 1814.

SIR:—I have the honor to state to your Excellency that a part of the army under my command has crossed the river, and the whole will be over as soon as one flat can transport them. I shall take up the line of march as soon as we are all completely across. And it is with pain that I am impelled to state that we have no quartermaster, no contractor,—one assistant forage-master, who set out from Camp Hope to act in the quartermaster-general's department, as well as that of forage-master, with but five hundred dollars, (as he states to me,) out of which all requisitions and all the forage for horses and hogs are to be furnished. We now have not one day's forage in advance by the contractor. No soap, no spirits, no candles; nor is there any of the component parts of a ration, except flour, meat, and salt, and no contractor to apply to. We seem to be neglected by the departments on whom we chiefly depend.

I shall proceed to the place of my destination and wait for none of them, whether I have rations and forage or not. If I am obliged to return for want of supplies, it will then be seen who is in fault. I have used every exertion to get off earlier. As soon as I take up my line of march I shall communicate with Gen. McIntosh. In the mean time it might be of service if your Excellency would let him know how I am treated by the contractor and quartermaster-general's department.

XLIX.—GEN. BLACKSHEAR TO MAJ. GEN. MCINTOSH.

CAMP ON THE WEST SIDE OF OCMULGEE, December 30, 1814.

SIR:—I have the honor of communicating to you that I arrived at Hartford on Thursday evening after my departure from Camp Hope, where I found my flat not finished; but, by the time I had my tools helved and ground, it was ready for our transportation across the river. On Tuesday, the 26th, we began to cross the river. Owing to some obstructions, did not get the army over until yesterday evening. As soon as I got a sufficient number of my troops over, I detached two companies to clear a road and make a bridge across the first creek,—which is the most important in my route, and which is now complete.

I shall take up my line of march early to-morrow morning, and expect to gain the point of my first depôt in about six days, if the department of the quartermaster-general does not stop me,—which, by-the-by, I have serious reasons to apprehend. We have no quartermaster-general, but a forage-master authorized to act for him,—and that without funds. We seldom have more than one day's forage at a time, and sometimes not that. We have no contractor, no soap, none of the component parts of a ration except flour, hogs, and salt. I feel myself much neglected by both these departments; but I shall persevere in obedience to your orders, whether I have supplies or not.

On my arrival at the place of my destination, I will lose no time to communicate to you particularly all occurrences which may transpire.

On my arrival at my first stand, I shall make use of the best means I am possessed of to gain all the intelligence in my power relative to the force mentioned in your last at Appalachicola, and which, I still apprehend, is not so formidable as was represented to you.

I shall send this to T. Barnard,* and request him to forward it by one of his runners, and by whom I shall be gratified to hear from you. By that time I shall be at my first stand, where I shall wait your further orders.

With my sincere wishes for your health and prosperity, I have the honor to be, with the highest consideration, respect, and esteem, sir, your very humble servant,
D. BLACKSHEAR.

L.—ANTHONY PORTER TO GEN. BLACKSHEAR.

MILLEDGEVILLE, December 30, 1814.

SIR:—Your letter of the 28th instant was received this evening by Captain Thomas. In the absence of his Excellency the Governor, who, I presume, will not return to this place until Tuesday evening, the 2d January, I beg leave to make a few observations to you in reply.

It was, I have no doubt, the impression of the Governor that, when you left Camp Hope with your detachment of the army, a *due proportion* of the staff of the army would have been *ordered* by the general to attend you on your march. If this has been neglected, you should, I think, represent immediately and without delay your situation and embarrassment to the general, in order that he may compel by peremptory order that attention to duty which appears by your letter to be likely neglected without it.

Would it not be advisable for you to delay issuing an order to Captain Thomas *to march* until you can see a better prospect for supplying his company with forage, and can hear from Gen. McIntosh as to tents and pistols for them? If there are any of either at Fort Hawkins, Gen. McIntosh can order him to be supplied; and without the latter it appears his company would be almost useless.

An order should be issued upon the contractor immediately to furnish supplies at Hartford, to be transported overland to Flint River, provided you should not be certain of getting a supply sent down the river. Of this, however, you are no doubt properly advised.

By a letter received at the Executive office yesterday from Gen. McIntosh, dated at the Creek Agency, 27th inst., he informs the Governor that "We arrived at this place to-day. Crossed the army over the river. In the morning I shall take up my line of march."

Probably Gen. McIntosh will be able to relieve all your wants by sending supplies down Flint River, except what may be necessary for Captain Thomas's troop. This troop the Governor conceives to be in the service of the United States, and is to be provided for accordingly; but says, should he not succeed in getting the Government to admit of the expense

* Timothy Barnard, a half-blood chief of the Creeks, was a man of fair education, wrote correctly, and was acquainted with the languages of several Indian tribes. He acted as interpreter at the treaty of Fort Wilkinson, June 16, 1802, and also as interpreter and witness at the signing of the treaty concluded at the city of Washington, November 14, 1805, between Gen. Dearborn, as Secretary of War, and the chiefs of the Creek Nation. See the two proclamations of President Jefferson in Clayton's Digest, p. 701 and p. 705.

incurred by it, he will guarantee the faith of the State to pay the expense of it.

Respectfully, yours,

ANTHONY PORTER.

LI.—GEN. BLACKSHEAR TO MAJOR JAMES PATTON.

CAMP BLAKELY, December 23, 1814.

SIR:—Agreeably to orders from his Excellency the Governor of this State, you will cause all of the first class of the frontier-districts of Twiggs county to be warned to hold themselves in readiness to march at the shortest notice and join the first class of Pulaski county under the command of Captain William H. Groce, at such place of rendezvous as you may hereafter be apprized of, and who will form them into one complete company, and march when and where ordered, prepared to serve six months, unless sooner discharged. It is to be understood that when the first class of your county are called out they are to be conducted by some vigilant officer of the militia to the place of Capt. Groce's rendezvous.

Believe me to be, with the highest consideration and respect, your humble servant,

D. BLACKSHEAR,
Brig. Gen. 2d Brig. 5th Div. G. M.

LII.—ALEXANDER McDONALD TO GEN. BLACKSHEAR.

HARTFORD, December 31, 1814.

DEAR SIR:—According to your requisition, I purchased fifty-five pounds of soap, which was all I could get at this time. I have sent that in the care of the wagon-master Paul, whom I directed to deliver it to the military-store keeper or the quartermaster.

I have sent on three wagons loaded with fifty bushels of corn each, which will, I am in hopes, overtake you this night. Every exertion on my part will be made to furnish you with forage. While I continue at this place, I will buy soap to the amount of your requisition and send on to you.

I have employed ferrymen to take charge of the flat. Mr. Kinnard, whom I sent to Fort Hawkins, has not yet returned. As soon as he returns I will send him until he overtakes the army. I wish the military-store keeper to take charge of the forage and attend to issuing it out. I wish the wagons to return as fast as they can be emptied.

Yours, with the greatest esteem,

ALEXANDER McDONALD,
Ass't Forage-Master Georgia Militia.

LIII.—CAPTAIN R. H. THOMAS TO GEN. BLACKSHEAR.

PULASKI COUNTY, January 1, 1815.

SIR:—I returned this evening from Milledgeville. I had not the satisfaction of seeing the Governor. I mentioned to Mr. Porter, his Secretary, that I was at a loss to know whether I should be attached to the service of this State or that of the United States. I also mentioned my situation with regard to pistols and tents. He observed that there was one hundred and ninety pistols at Fort Hawkins; and, as to tents, by your informing Gen. Melutosh how many you would want, he would order the quartermaster to furnish them. I also made application for fifteen or twenty

swords in addition to those I have already drawn. He stated that the quartermaster would furnish me by your order.

If you will make the above arrangements for furnishing of my troop, the favor will ever be acknowledged by your friend and most obedient servant,

RICHARD H. THOMAS.

LIV.—WILSON NAVEY TO GEN. BLACKSHEAR.

HARTFORD, January 1, 1815.

SIR:—I was ordered yesterday by the quartermaster to repair without delay to this place and make such arrangements about forage as I thought best or as you might direct. On my arrival here (which was at ten o'clock this morning) I find the business somewhat deranged, owing to the inexperience of the young men, and principally for the want of funds.

I did intend visiting you personally, but am ordered to return to Fort Hawkins by to-morrow, which makes it completely out of my power, as I understand the army is at least twenty miles distant.

Will you be so good as to inform Mr. McDonald, assistant forage-master at this place, what quantity of corn you suppose will be sufficient at this place, or to send from here to the army under your command? The reason why I make the inquiry is this:—If, after your arrival at Appalachiecola, the army is furnished by water from Fort Mitchell, would it be advisable to lay in corn at this place? On this point you will please decide.

Suffer me to take the liberty of asking, Is it safe to send a few wagons on after the army without an escort?

The distance which you will be in a few days will render it almost impossible for fodder to be transported to you. I have therefore told Mr. McDonald not to forward on any more after to-day, but to send corn as fast as possible, unless otherwise ordered by you.

I have left five hundred dollars with Mr. McDonald which the quartermaster sent, and have given him such instructions as I think will enable him to get along quite smoothly. I find the neighbors of Hartford extravagant in their prices of corn, (75 cts. per bushel,) and haul it ten or twelve miles. By the direction of the quartermaster, I told Mr. McDonald to give a dollar, rather than the army should not be supplied.

I have the honor to be, sir, your obedient, humble servant,

WILSON NAVEY,
Principal Forage-Master G. M.

LV.—A. McDONALD TO GEN BLACKSHEAR.

HARTFORD, January 3, 1815.

SIR:—I deem it necessary to inform you of the accident which has happened here this morning. Five wagons—four loaded with corn and one with the cartridge-boxes and blacksmith-tools—started. The first wagon got over safe; the second wagon sunk the flat at the other bank. This is what I have dreaded for several days. I am at an entire loss to know what to do. I have written on to Captain Lane, and directed the men to ride all night. The wagon is fastened to the bank. The flat has gone down the river. There are some hands after it, but it is uncertain when we will be able to do any thing with it. You can judge for the best,

and act accordingly. I have thought it my duty to let you know the situation of the business.

Yours, with the greatest esteem, &c.,

ALEX. McDONALD,
Ass't Forage-Master.

LVI.—GEN. BLACKSHEAR TO ALEX. McDONALD.

CAMP, CREEK NATION, January 3, 1815.

SIR:—Agreably to orders which have already been received from me, the forage-master will continue to furnish the detachment under my command with long and short forage until I deem it expedient to order to the contrary. The quantity requisite for a considerable time to come you will yourself estimate from what you know of the quantity heretofore required to afford an ample sufficiency. It is also required of you, as agent of the quartermaster's department, to furnish a sufficient number of wagons to transport the blacksmiths, their tools, and baggage, as well as the forage, and also to superintend and furnish the means of keeping the ferry on the Oemulgee in good order.

In addition to the forage required for the troops now under my command, you will take immediate steps for laying in and transporting forage for one hundred horse, which it is thought expedient shortly to call into service. Whenever an escort is by me conceived to be necessary, it will be furnished: therefore you will never wait for wagon-guards, but always send on your forage with the utmost expedition, leaving it to me to judge of the danger and of the propriety of escorts.

You will call on Major James Taylor, who has charge of certain tools, the property of the State, and who is hereby required to deliver to you all the axes and chisels of said tools. Having received, you will send them to me by the first opportunity.

In future the quartermaster will keep the road in good condition; it being at all times his duty, it will henceforth be required of his department. Therefore it becomes necessary immediately to hire hands to repair the road, as it is in a condition requiring it.

By order of Brig. Gen. Blackshear:

THOS. HAMILTON,
Aide-de-Camp.

LVII.—GEN. BLACKSHEAR TO ALEX. McDONALD.

CAMP, TWENTY-SIX MILE CREEK, January 4, 1815.

SIR:—I received yours of yesterday, and am sorry for the misfortune at the river. Had the same attention been paid to the flat and landing as when the army crossed, the loss might have been averted.

You are well apprized that it is the duty of the quartermaster-general's department to furnish transportation, to make and repair bridges and roads, to build boats, &c. &c. But, in order to facilitate the business as much as possible, I have had much of that kind of work performed: the rest remains for the quartermaster-general's department. I have already directed you to employ hands for those purposes. You will lose no time in having the flat brought up and the way made good and safe, and forward on the provisions before directed. I have sent back a detachment to repair the road a few miles. So soon as they return I shall proceed to the object contained in my orders. I shall implicitly rely on your best exertions to furnish me, that I may thereby be enabled to come

up to the most sanguine expectations of Gen. McIntosh, from whom I expect to receive orders to-morrow.

I am, sir, very respectfully, your obedient servant,

D. BLACKSHEAR,
Brig. Gen.

LVIII.—COL. HAWKINS TO GEN. MCINTOSH.

(Copy.)

The following information, received to-day from the Speaker of the Lower Creeks in a public council, is deemed by them substantially true:—

“The chief warrior of Miceo-sookie led a party of his warriors toward the frontiers of Georgia,—ten in number,—and killed five white people, and carried the scalps to the British below the confluence of the Flint and Chattahoochee. There are a few white troops at Forbes’s Store, (eighteen miles up Appalaehicola, on the east side.) The store was surrounded with a ditch. Thirty-two warriors of Choctaws, from Fort Jackson, (a part of those who had surrendered there,) and a great many Red Clubs, were there. The runaway and stolen negroes were close by the store. Provisions short; biseuit only. So great the scarcity of meat, that the Choctaws subsisted partly on old, stinking, raw hides.

“The supplies of Indian goods, arms, and ammunition were abundant: two boxes of dry-goods and four of saddles, brass kettles, arms, and ammunition. There were some vessels baek of the islands opposite the mouth of the river with troops on board, and some of the troops were landed and could be seen from the mouth of the river.”

Accept assurances of my most respectful regard.

CAMP, NEAR FORT MITCHELL, January 4, 1815.

LIX.—GEN. BLACKSHEAR TO COL. HAWKINS.

CAMP, WITHIN EIGHT MILES OF FLINT RIVER, January 5, 1815.

SIR:—I received yours of the 27th ultimo this evening. I have been much impeded in my march in consequence of difficulties that presented themselves in cutting and travelling a new road, and in consequence of the difficulty of proeuring forage by this route. I should be glad to hear from you what preparations are making for transportation from the agency to this place by water. I am anxious on that subject, as it is indispensable that I should keep up a constant communication with the general after my arrival at my first depôt, soon after which I shall expect to meet with some twenty Indians, who will come well recommended, and I know of no person so capable of doing that as yourself. But the channel through which a communication is to be opened will rest entirely with Gen. McIntosh.

Believe me to be, with respect, yours, &c.,

D. BLACKSHEAR.

LX.—MAJOR-GENERAL MCINTOSH TO GEN. BLACKSHEAR.

FORT MITCHELL, January 5, 1815.

SIR:—I received your letter of the 30th ult., informing me of your movements and the delay you were under in consequence of the want of some tools, but that your difficulties were nearly overcome, and that you would be in six days at the point where you were ordered to erect works and a place of deposit.

In consequence of information I have received from Mobile, pressing me to forced marches, I lamented exceedingly the measure I was advised to, and finally acceded in, of your marching on the east of Flint River to the junction, as one battalion, from the last information I have collected, would have been amply sufficient for the service in that quarter.

But, as we are now so far separated that a junction with me to answer the present urgent call at Mobile is entirely impracticable, you will, with Col. Hawkins, who will co-operate heartily with you, subdue any hostile tribes of Indians or British in that quarter where Georgia would be affected; and, as soon as all disturbances are silenced and overcome by you, you will, without loss of more time than cannot be avoided, march with your command to the support of the Mobile territory, and join me as early as possible.

In haste, I remain, respectfully, your most obedient servant,

J. MCINTOSH,
Major-General.

LXI.—GEN. BLACKSHEAR TO HIS COMMAND.

CAMP, THIRTY-SIX MILE CREEK, January 6, 1815.

General Orders.)

All officers and soldiers will be careful not to fire on any Indian that may be seen, except he discovers some manifest intention of hostility, or refuse to stand when bid to do so, or refuse to answer when hailed. They will be careful not to injure any friendly Indian, and particularly when bearing a white flag or other token of friendship. They will be careful not to communicate, by writing or otherwise, the strength, contemplated route, or object of the army.

LXII.—GOV. EARLY TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, January 6, 1815.

SIR:—On my return to town yesterday, I found in the office your two letters of the 23d and 28th ultimo. At the same time I received by express, from Gen. McIntosh, a letter of the 1st instant, enclosing a copy of one to himself from Gen. Winchester, dated at Mobile on the 20th of December. Copies of both those are now enclosed for your perusal. You will perceive by them the imperious necessity for changing your route.

Whilst Gen. McIntosh refers this matter to my discretion, it is at the same time evident that his solicitude is great that the force under your command should pursue and join him. And when I consider the great object for which the War Department required the troops from this State, and when to this view is added the fact, now clearly ascertained, that the very crisis has occurred which was at first only anticipated, I feel a deep conviction that you ought to pursue the original destination of the army. The destruction of the Red Sticks by Major Blue is a circumstance which also has its weight. It has diminished very much the causes which gave rise to your being detached from the main army. The Seminoles will, it is to be presumed, be deterred from committing hostility; and, should they continue to manifest an unfriendly temper, I must send against them another force.

You will therefore consider yourself ordered to join Gen. McIntosh with the least possible delay. The route to be taken must be left to your own discretion.

Should you have reached Flint River, and boats should have met you from above, possibly you may deem it advisable to ascend the river to the Agency. I presume, however, that you will consider it most advisable to retrace your steps, and, if boats should have come down, to order them to return, sending in them some of your heaviest baggage.

I cannot but enter into your feelings at this retrograde movement. But I know enough of your patriotism to believe that you will smother them under a sense of duty and the prospect of serving your country more effectually. I feel no doubt that, with exertion, you will be enabled to overtake Gen. McIntosh before or by the time he reaches Mobile.

The troop of cavalry, and the additional company of infantry which were authorised, will of course be discharged.

I have the honor to be, with high respect, your obedient servant,

PETER EARLY.

P.S.—Since writing the foregoing, I have had a conversation with Col. Hammond on the subject of your route. He suggests that, in case you should be considerably advanced toward Flint River, it would be advisable for you to penetrate by Barnard's to Coweta. He states that wagons and carts have repeatedly gone from Barnard's to Coweta; that the route is over high sandy ground, and unobstructed by water-courses. He thinks that Barnard keeps a flat; but adds, after the trial you have made, and with the means of information you possess, you can best judge for yourself. Barnard's is as near to Coweta as to the Creek Agency. If your boats are afloat, you might readily draw your supplies from them.

I only give you this as the suggestion of a man whom you know. He tells me he has travelled the route, and that families have moved along it to the Western country. You will be the best judge of your own movements.

P. E.

MAJOR-GENERAL MCINTOSH TO GOV. EARLY.

(Copy.)

WITHIN FIFTEEN MILES OF CHATTACHOCHEE, January 1, 1815.

SIR:—I enclose your Excellency copies of two letters I received yesterday from Brigadier-General Winchester and Taylor.

You will therein discover the strength and efforts of the enemy to possess himself of that section of the Union, and the solicitude of Gen. Winchester for aid at this critical juncture.

He refers me for particulars to a letter of the 13th ultimo, which, unfortunately, I did not receive, as it would have determined me in a different course with respect to Gen. Blackshear's movements.

I am sorry, as circumstances have occurred, it had not been otherwise, as I believe no other *enemy is in his route* but a few Seminole Indians, not exceeding three hundred, which might have been subdued by one or two companies of foot and a troop of horse.

I have received information, which I believe to be correct, that Major Blue received from the Red Sticks or hostile Creeks who fled from Pensacola at the approach of Gen. Jackson's army, being situated on an island which they had recourse to as a temporary safety from pursuit. The mode of his acquiring this information was from two of his Choctaw Indians being sent out to endeavor to get some information of their situation, who spoke the Creek language. They met with two of them who had crossed over to the mainland in boats to kill cattle. The Choctaws appeared friendly until they acquired the necessary intelligence. They then killed

and scalped the Indians, and returned to Major Blue, who immediately took advantage of those boats and passed his command over on the island in the course of the night, killed and captured the whole, except eight or nine that made their escape in another boat they had.

No exertion on my part shall be wanting to press forward with all activity, that I can endeavor to be in time to afford my best efforts to save our country from the polluted foot of a cruel and oppressive foe. I wish to God I had been a month in advance! I did think, under existing circumstances, that I would order Gen. Blackshear to retrace his steps with all expedition and to follow me with zealous industry. There is no other mode by which he can ever join me, as the idea of cutting a road across the country to be timely to render aid in the present urgent case is chimerical, in my opinion, and would defeat every object of his usefulness. If you think with me, you can give that order positive; otherwise, if you conceive the frontiers of the State of Georgia may be benefited from his services, let him be retained for that service.

I beg that your Excellency will take this broad and discretionary power to govern that business, as my movements will be as rapid as I can make them, without probability of communication with that detachment, or having it in my power of judging of circumstances that might make it necessary to detain them.

But on this subject I shall be glad of your final decision by express, as it will be of some importance to me to be informed on that head.

I am, with great consideration, your Excellency's most obedient servant,
(Signed,) J. McINTOSH.

GEN. WINCHESTER TO GEN. McINTOSH.

(Copy.)

MOBILE, December 20, 1814.

SIR:—After referring you to my communication addressed to you on the 13th instant, I beg leave to solicit your attention to that part of it which relates to a reinforcement of *one or two* regiments. The enemy has assembled his fleet at Ship Island, consisting of one hundred and twenty or one hundred and thirty of all descriptions, and his land-forces are stated to be from six to eight thousand. On the 13th instant, he captured five gun-boats near the entrance of the pass of St. Joseph, and on the same day one hundred and fifty boats and barges, full of men, were seen standing a course which indicated an intention of attacking New Orleans.

If he succeeds or not in that project, this place will be his next aim, as the key to Indian influence. Therefore permit me to repeat my solicitations for a reinforcement of *one or two* regiments, to be hastened forward by forced marches. A few days gained by celerity of movement may insure victory, when without it the conflict may be doubtful.

I have the honor to conclude, with great respect, your most obedient servant,
(Signed,) J. WINCHESTER,
Brigadier-General Commanding East 7th District.

LXIII.—GEN. BLACKSHEAR TO A. McDONALD.

CAMP AT FLINT RIVER, January 7, 1815.

SIR:—I arrived at this place last evening, and am almost entirely without forage, and not many days' rations on hand. I send you wagons sufficient for the transportation of forage and rations, if the contractor has

provided any at Hartford, or any other place within a reasonable distance. If the contractor will not furnish at Hartford until after the expiration of the whole thirty days, the quartermaster-general's Department will haul it from Fort Hawkins, or so much, at least, as will complete the first thirty thousand rations required of him by Gen. McIntosh to be transported with this detachment, and of which the flour will fall short, (from what information I have on the subject.) I think about the 13th of this month is the time when the second requisition for thirty thousand more, to be laid in at Hartford, will be on demand.

As I am about to make this a place of deposit, and build a house for the reception, and a fort to defend it, and as you are well apprized that I shall call to this post one hundred infantry and one hundred cavalry, you will readily perceive the necessity of your unremitting vigilance in procuring and sending on forage and provision in such quantity as will leave me at no time with less than ten days' provision in advance. You will, without delay, state to such other of the quartermaster-general's department as you may have correspondence with, the necessity of more of their attention being turned to this object. I am now but forty-one miles from Hartford, and on the bank of Flint River, and, with very little labor in addition to what has already been done, will have an excellent road, and particularly so in dry weather.

LXIV.—A. McDONALD TO GEN. BLACKSHEAR.

HARTFORD, January 7, 1815.

DEAR SIR:—I received yours by the men who act as spies,—also, by the two men whom I sent on to let you know of the accident that happened with the flat.

I expect to start four wagons across the river to-day, and to-morrow five more. I am using every exertion in my power to furnish a sufficiency of forage. I am doubtful, after every exertion, there will be blame attached to me. We have not a sufficiency of wagons to transport the forage. From what I can learn, the road is so intolerably bad that it is impossible for the wagons to haul a load. The wagons that I have loaded start with forty bushels, and receipt for thirty, allowing them eight days to go and come. In consequence of not having a sufficiency of wagons, I have not had it in my power to send long forage. I am at present entirely out of funds and out of provisions. We have not any flour or meat to issue to wagoners. On to-morrow, however, you may depend on my using every exertion in my power to furnish you with a sufficiency of forage.

Your obedient servant,

ALEX. McDONALD,

Assistant Forage-Master G. M.

LXV.—MAJ. GEN. MCINTOSH TO GEN. BLACKSHEAR.

CAMP WEST OF THE CHATTAHOOCHEE, January 9, 1815.

SIR:—Since my last letter to you, Col. Hawkins has received the following intelligence from one of his Indians,—a confidential man sent for the purpose:—

“He saw twenty white and forty black soldiers below the forks of the river, about two miles east of the little old fields, where the Commissioners of Limits encamped: one officer commanded, in British uniform. They had not fort or ditch. They had one house built, and were to build another. They came up by land, and one boat came up with their provisions

and other stores. He saw about thirty white and sixty black soldiers at Forbes's Store,—in all, ninety, which he counted. Five are officers,—the whites dressed in *red*, the blacks in *blue*. They have four cannon, and seven mortars about seven-inch, two feet long, fixed on carriages with two low wheels, and the stores surrounded with a ditch and about two hundred hostile Indians. He saw a number of black women and children at the stores. The men were all soldiers.

“He went by land down the west side of the Chattahoochee to Jack Mealing's, twenty-five miles or thereabouts below the forks, crossed the Appalachicola and went down the eastern side to Forbes's Store. The way pretty good for horse and foot. From the forks there are two creeks to Is-te-foo-mul-gee, a bluff twenty miles below Mealing's; small streams thence to the stores. It is thirty miles from Is-te-foo-mul-gee to the Store, in all,—about seventy-five miles. He-te-he-hee had settled at Cho-comith-lo, a bluff about five miles below the forks, but are to move up to the settlement at the commissioners' old camp. The Mic-co-soo-kee people brought three scalps the day before he got to the Store, which they got near the St. Illa. They were men's scalps, and were killed on horseback. He saw a large supply of goods and ammunition of good quality for the Indians. It is twelve days from the 8th instant since he left Forbes's Store. Three vessels arrived with the goods and munitions of war, landed them, and sailed immediately. He saw no other, or any boats, except Indian visiting-boats. In addition, the following accounts have been received from the postmaster near Fort St. Stephens on the Tombigbee,—that the British have lauded thirteen thousand troops near New Orleans, and have laid Pass Christian in ashes, and were marching for New Orleans. The Tombigbee was ordered to be navigated as a means of conveying provisions to that quarter, as breadstuffs were getting scarce. He says that General Jackson has ordered all the free people of color to take up arms,—that the gun-boats and barges had a severe engagement, and eleven of the British barges were sunk with their crews, and that five of our gun-boats were taken.”

I have sent a battalion from this, under Col. Booth, to the Tallapoosa, with all the artificers I could collect, to build boats to take us down that river, and the Alabama to the Mobile, with our provisions,—considering this mode as the best I could adopt under existing circumstances, being informed that provisions are not to be had in that quarter, and the want of wagons to convey them any other way compels this alternative.

From the overwhelming force that has appeared at New Orleans and Mobile, Gen. Jackson needs support with all the reinforcements that can possibly be carried to his relief. I fear greatly the enemy will gain some serious advantage. Under these circumstances, I am compelled to call for a battalion from your detachment, as you will then have a sufficient number with Col. Hawkins's reinforcement, (which will consist of at least one thousand warriors,) who will march to-morrow or next day down the Chattahoochee, and co-operate with you in all matters for the eventual subjugation of all hostile appearances in that quarter; and, as this detachment was particularly intended for the defence of Mobile and New Orleans, five hundred detached for the Georgia frontier defence is all I can sanction with the information I am now possessed of. If additional aid is required, the Executive of Georgia, or General Pickney, whose district you are in, will furnish it.

You will therefore lose not a moment, on receipt of this, in ordering a

battalion to join me with all possible expedition. I am told the distance you are now from me does not exceed seventy-five miles.

I have ordered the quartermaster's department to build boats at Fort Laurens without delay, for the transportation of one hundred thousand rations to your depôt on Flint River. I think you had best send some of your best artificers to promote and accelerate this object. Let me hear from you by express.

I am, sir, respectfully, your obedient servant,
J. McINTOSH,

Major-General.

P.S.—You can direct the battalion ordered to join me to march whatever way you may think most advisable, either by retracing their steps, or to take one of the ridges to Fort Perry.

J. McINTOSH,

Major-General.

LXVI.—GEN. BLACKSHEAR TO A. McDONALD.

CAMP, FLINT RIVER, January 8, 1815.

SIR:—Circumstances of the most important nature having made it imperiously necessary that I should immediately have at this post twenty-six wagons, you are hereby required to send on that number without a moment's delay. These twenty-six wagons you will charge with nothing more than a sufficiency of forage to last them until they reach this place (which must be within two days from the receipt of this, if possible) and back.

The number of wagons herein required must be exclusive of those already on the way to this post; and, if you should not have on hand a sufficiency of fodder and corn, immediately procure as much as will, with what is now on the way, serve them.

LXVII.—GOV. EARLY TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, January 10, 1815.

SIR:—I have this moment received the enclosed* by express. I hope you may not have recrossed the Ocmulgee when this reaches you. I enclose you a copy of the intelligence on which General McIntosh's letter or order of the 4th is founded. I differ with him in believing, according to this state of things, that a battalion would be sufficient; and we have occasion to rejoice that this intelligence has been received so soon after you had orders to retrograde.

You are now to pursue the route you were going. Captain Lane comes to your assistance with some money.

The great difficulty in foraging cavalry at a distance renders it indispensable that none should be retained. You will therefore pursue my last orders in relation to them and the additional company of infantry.

General McIntosh writes me that Col. Hawkins, with seven hundred Indians, was to leave Fort Mitchell for the confluence of the rivers about the 9th of this month, to co-operate with you.

In great haste, your obedient servant,

PETER EARLY.

LXVIII.—WILSON NAVEY TO GEN. BLACKSHEAR.

FORT HAWKINS, January 10, 1815.

SIR:—I have not (until now) had any opportunity of writing you my success as respects the corn-expedition. I proceeded immediately to Major

* A duplicate of No. 65. The second enclosure does not appear.

Blackshear's and reported my business. His boat was not complete; but so soon as it is completed, he told me, he would load her with corn to Fort Barrington.

I came to Fort Hawkins and gave Mr. Armstrong instructions to proceed to Hartford and purchase a sufficient quantity of corn, which, together with the flour at Hartford, would make a boat-load. This he has done, and has reported to me this day that he put on board bushels corn, and that the boat has gone.

I should have used greater exertions on the Oconee, but, the evening of my arrival at Major Blackshear's, a boat loaded with corn, &c. passed the ferry, which I was pretty confident would reach you in due time. This, I assure you, sir, alleviated my mind considerably.

I reported to the quartermaster your situation as regards provision. He says Gen. Floyd has made a formal requisition on the contractor for thirty thousand rations (I think) to be delivered at Fort Barrington monthly. Should this be promptly complied with, I think you can get along quite smoothly.

I have the honor to be, sir, your obedient servant,

WILSON NAVEY,
Principal Forage-Master G. M.

LXIX.—MAJ. GEN. MCINTOSH TO GEN. BLACKSHEAR.

WEST OF THE CHATTAHOOCHEE, January 11, 1815.

SIR :—Since I wrote you, ordering one battalion to join me, I have received a copy of the Governor's communication to you of the 6th instant, agreeable to discretionary powers I had vested him with, believing I should not have an opportunity of corresponding with you as I was passing on to the point of my destination,—namely, Mobile and New Orleans.

The Governor's decision on that discretion evidences his zeal and patriotism for his country's best interests. You will therefore, without the loss of a moment that can be avoided, press on with your whole detachment agreeable to his orders.

Col. Hawkins will receive any support he may call on the Governor for, for the chastisement of the Seminoles or any other hostile Indians, and will be competent to that end, which he will keep in view. In consequence of this arrangement, I have countermanded my order for building boats on the Flint River, and have directed the quartermaster's department to transport, without loss of time, the provisions lodged there, to Fort Decatur, on the Tallapoosa.

Your zeal and patriotism will urge you to every reasonable effort to comply as speedily as you can with this order, which is imperative.

Col. Hawkins has sent a man well acquainted with the country, and who can advise you the best and shortest way you can march your detachment. It will be well to advise with him.

I am, sir, respectfully, your most obedient servant,

J. MCINTOSH,
Major-General.

LXX.—COL. HAWKINS, AGENT, TO MR. JACK KINNARD.

The time is come when we are to compel our enemies to be at peace, that we may be able to sit down and take care of our families and

property without being disturbed by their threatening and plundering of us.

General Blackshear is with you to try to protect and secure the friendly Indians on your river, and to aid in punishing the mischief-makers. Go you to him, and keep with him till I see you. Take Joe with you. The general will furnish you provisions, and, when he has it, corn for your horses. You are one of our great chiefs. You know all our mischief-makers and all your neighbors, and can give good information to the general. You know the country, and you are a man to be depended on. You shall soon hear from me and the warriors under my command. I am your friend and the friend of your nation.

COWETA, January 11, 1815.

(To be read to him by General Blackshear.)

LXXI.—COL. HAWKINS TO GEN. BLACKSHEAR.

IN THE NEIGHBORHOOD OF FORT MITCHELL, January 11, 3 P.M., 1815.

I have called back the express to send to you the order of the general for a change of the destination of your command. Of course, the communication intended for Am-mic-cul-le chiefs and Col. Kinnard will not be communicated. I shall call on the Governor for a company of foot and horse which were intended for you.

I am respectfully, sir, your obedient servant,

BENJAMIN HAWKINS.

(Pass.) Coe-e-maut-lau, of Cassetau, is an express to Brig. Gen. Blackshear. He left Fort Mitchell at 2 P.M., 11th January, 1815.

BENJAMIN HAWKINS,
Agent for I. A.

LXXII.—COL. HAWKINS, AGENT, TO THE CHIEFS OF AM-MIC-CUL-LE.

The time is come when we are to compel our enemies to be at peace, that we may be able to sit down and take care of our families and property without being disturbed by their threatening and plundering of us.

General Blackshear is with you to protect and secure the friendly Indians on your river, and to aid in punishing the mischief-makers. Go you to him; see him; take him by the hand, and two of you must keep with him. You must point out sixty of your young warriors, under two chiefs, to be with, and act under the orders of, the general till you see me. He will supply them with provisions and some ammunition.

You must be very particular about spies. You know all the friendly Indians, and all who are hostile. If any spies come about you, or the hostiles, point them out to the general. And your warriors acting with the general must be as quick and particular as his white soldiers to apprehend or put to death any enemy you meet with. Your warriors will receive the same pay as the soldiers in the service of the United States.

Tell your women and children not to be afraid,—that friends have come for their protection, and that I am at the head of the Creek warriors.

I am your friend and the friend of your nation.

COWETA, January 11, 1815.

(To be read to them by General Blackshear.)

LXXIII.—GEN. BLACKSHEAR TO MAJ. GEN. MCINTOSH.

CAMP, FLINT RIVER, January 11, 1815.

SIR:—I have the honor to acquaint you that, on the 31st December, I decamped from the banks of the Ocmulgee and took up the line of march for Flint River, which I reached on the evening of 6th instant; and, after forming substantial and durable breastworks after the manner prescribed in my orders and pursued on my march, I the next day proceeded to the selection of a proper situation for a fort, and immediately commenced building. On the same day unloaded all my wagons, and, except three or four retained for hauling timber, &c., ordered them to repair without delay to Hartford, for the purpose of transporting such articles as it was deemed necessary to deposit at this place.

These operations, however, were suspended by the reception of despatches from his Excellency on the evening of the 8th, embracing copies of your letter to him, and from General Winchester to yourself, as well as orders requiring me to retrace my route and pursue you with the least possible delay. I accordingly sent immediately on in pursuit of my wagons a man authorized to order them to return without delay to this place. Should my wagons arrive this evening, (of which I have no doubt,) I shall take up the line of march early to-morrow morning, and cautiously exercise every expedient to pursue you with the utmost expedition.

On the 5th, by the hands of John Winslet, a white inhabitant of the Creek Nation, I received a few lines from Col. Hawkins; but, from the hints of caution which these lines seemed to breathe, and from my not having yet reached this place, I conceived it proper to defer writing to you till I could do so by a future and safer opportunity.

On the morning of the 6th I despatched Winslet with a few lines to Col. Hawkins, and with orders to call on Kinnard and invite him forthwith to meet me at this place. Of Kinnard I however neither heard nor saw any thing till last evening, when an Indian came, bearing a white flag, to the opposite bank of the river, and informed me that Kinnard would visit me this morning,—which he has accordingly done, and under whose care I transmit to you this communication.

At this time many of my troops are quite sick; and, since my departure from Camp Hope, three have died,—two here and one on my march; and of hospital-stores I am almost destitute.

Concerning your route and views I would at any time cheerfully receive the earliest advices; but instructions meeting me at Fort Mitchell would be particularly pleasing.

LXXIV.—GOV. EARLY TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, January 12, 1815.

SIR:—I duly received your letter by Captain Parten. You will probably this evening see Captain Lane and receive your last orders.

The requisition for medicines and hospital-stores has been attended to here by Major Fannin in person. On consultation, we were of opinion that, as you would now have to penetrate far from your resources, the quantity of hospital-stores ought to be enlarged. This has accordingly been done, and the whole are now sent to Captain Lane.

Woodbine, a British officer, is with the Indians in Florida. I think it

likely you may hear of the gentleman amongst the Seminoles. Beware of surprise.

Your obedient servant,
PETER EARLY.

LXXV.—GEN. BLACKSHEAR TO GEN. FLOYD.

(Without date.)

SIR:—Pursuant to orders from his Excellency, received 21st instant, I am now on my march toward St. Mary's, making my route down the Altamaha, and having in view the defence of our seaboard and the protection of our flying and injured citizens, and, if possible, eventually to repel the enemy from our borders.

The invasion of the State by such a formidable force, and the confusion and distress resulting to our citizens, not only warrants this order of his Excellency, but makes it his imperious duty to call on such forces as can with most promptitude avert impending devastation. I shall, therefore, march with the utmost expedition to the scene of distress—the place invaded, or about to be invaded—as may in future be deemed proper.

As the object of the enemy is not yet satisfactorily known, and as it is possible that his movements may make it necessary that you and myself should unite our forces, or in some other way co-operate, I have thought proper, with the advice of the Governor, to acquaint you that I am ordered to march to the relief of the seaboard of this State, and that it is our duty to reciprocally communicate such information as may enable us to derive advantages from our respective positions, as well as such other information as would enable either of us, severally or conjointly, to conduce to the defeat or repulse of the enemy.

Presuming that much will be committed to our care and discretion, I think it by no means wise or patriotic to pause at niceties or dread responsibility. I shall, consequently, render you all the aid in my power which can tend to accomplish the grand object, hoping and believing that you will not, on your part, act with injudicious reserve.

I have the honor to be, very respectfully,
D. BLACKSHEAR, *B. Genl.*

LXXVI.—GEN. BLACKSHEAR TO GOV. EARLY.

CAMP, TWELVE MILES EAST OF FLINT RIVER, January 14, 1815.

SIR:—On the receipt of your Excellency's despatch by Captain Lane, with the order of Gen. McIntosh, I made arrangements to march to Flint River and to pursue the object it contained so soon as my supplies would justify me. But I hope your Excellency will not suspect I was surprised on opening a packet, express from Gen. McIntosh, which arrived this night at ten o'clock, to find another report from Col. Hawkins, stating intelligence from one of his Indians—a confidential man sent for the purpose—that there were twenty whites and forty blacks below the forks of the river, without any fort or ditch; had built one house, and were to build another. They came up by land, and one boat came up with provision. He saw thirty whites and sixty blacks at Forbes's Store, and a good deal of such stuff,—on which was founded a general order of the 9th to send one of my battalions immediately to join head-quarters on the road to Mobile.

In the same packet I received another general order, dated the 11th, directing me imperatively to march my whole force to General McIntosh,

and join him on the road to Mobile. I shall accordingly take up my march and pursue the general until I receive orders to the contrary.

Duty to my country impels me to apprise your Excellency that while such reports can transform a British army of fourteen thousand from one number to another until it is reduced to fifty whites and a few blacks, the citizens of Georgia may be scalped with impunity. I beg leave to remark that the colonel has arranged every thing to his mind. He has furnished the Indians with arms, ammunition, rations,—for all sorts and denominations; has as many under pay as soldiers as he may choose to break sticks for, (a muster-roll being out of the question.) In doing this, it was necessary to make reports of various kinds, and as variable in their features, until Gen. McIntosh has gone on to Mobile and left an imperious general order for me to pursue him. And then he can make just as many British or hostile Indians as are necessary to keep himself and Indians under pay and rations; and in one night he can receive reports from confidential runners and civilize all the rest, and nothing to do but to break another bundle of sticks, and take his new civilians into pay and rations, and stay at their homes quietly, while we are beating through the wilderness, making roads to transport provisions and funds to such of his most happy and favored people as he may choose to point out.

When the militia are called into service, they must be mustered by an officer of high responsibility; every man must be present and inspected, and, if not able to perform drudgery, he is sent home, and is glad to return without pay or rations. If he is able-bodied, he must do duty, be frequently inspected, reported every day, and punished if he fails to do his duty, (which is right.) But contrast this with the situation of the colonel and his scalping myrmidons. By this your Excellency will perceive that all your indefatigable exertions and arrangements for the defence of our beloved State are broken in upon by the artifice of that one old man, who does nothing but write and talk, and talk and write.

Pardon me if I discover too much zeal for the defence of Georgia, exit the subject. It is almost indispensable that I should see you before I leave this State; but I cannot leave my little detachment, two of whom died last night. I shall obey my orders at all events. I have made choice of you to convey my private sentiments; and this is only intended as a confidential, private communication, and a small proportion of facts of which I have an ample fund.

LXXVII.—GEN. BLACKSHEAR TO MAJ. GEN. MCINTOSH.

CAMP, TWELVE MILES EAST OF FLINT RIVER, January 14, 1815.

SIR:—On the 12th I had the honor of receiving yours of the 5th inst., in which you stated the impracticability of our forming a junction, and directing me to co-operate with Col. Hawkins in subduing any hostile Indians or British in that quarter where Georgia would be affected.

Enclosed I received at the same time a copy of a letter from Col. Hawkins, and a line from the Governor directing me to carry your order into effect. I accordingly march again for Flint River. This night, at nine o'clock, I received your two orders of the 9th and 11th, directing me to march with my whole force, in obedience to his Excellency's orders of the 6th inst. I shall immediately retrace my steps and take your road at Fort Hawkins, which route I deem it best to pursue and take your provisions.

LXXXVIII.—TIMOTHY BARNARD TO GEN. BLACKSHEAR.

FLINT RIVER, January 14, 1815.

SIR:—I received a letter for you from the Agency last evening by express, which I send on to you this morning by a red man of Chehaw. I had to promise him four dollars before he would undertake the business, which you will please pay him on delivery of your letter. He says he will take the value in homespun if you do not wish to pay money.

If the Chehaw man I send you had not been here, I know not how I could have got your letter to you, as I could not have got one of the Uchees to have undertaken the business if I had offered them ten dollars, as they say some of the red people in that quarter are much displeas'd with them for acting as spies here and at the Agency. I have given the bearer a strict charge: therefore I hope you will get your letter safe delivered.

Remain, sir, your most obedient, &c. &c.,

TIM'Y BARNARD.

LXXXIX.—GEN. BLACKSHEAR TO GOV. EARLY.

CAMP, TWELVE MILES EAST OF FLINT RIVER, January 15, 1815.

SIR:—I have the honor to acquaint your Excellency that on the last evening I received by express from Gen. McIntosh imperative orders, dated 11th inst., requiring me, with my whole force, immediately to pursue him on the way to Mobile.

Pursuant to these orders, I shall to-morrow morning begin to retrace my route to Fort Hawkins, and then march on to Mobile. Consequently your Excellency may perceive the propriety of making some alterations in the arrangements last contemplated.

I have the honor to be, very respectfully,

D. BLACKSHEAR,
Brig. Gen.

LXXX.—GOV. EARLY TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, January 16, 1815.

SIR:—Your favor of the 13th inst. has been duly received. A copy of Gen. McIntosh's final orders to you of the 11th inst. has been transmitted to me.

I can enter into your sensations on this varying business; and indeed my own feelings are little short of those which you must feel. I shall have to send a detachment on State account immediately to effect the object you were in pursuit of. It will consist of about five hundred mounted infantry, and, I hope, may be commanded by Major Freeman.

I am, respectfully, your obedient servant,

PETER EARLY.

LXXXI.—GOV. EARLY TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, January 19, 1815.

SIR:—I received your letters of the 14th and 15th insts. by express. A great crisis in our State has occurred, which has determined me to assume a responsibility in relation to yourself and the regiment under your command which no other condition of things would justify.

Our State is actually invaded by the enemy, in large force. It is invaded in its most vulnerable point. I have official intelligence that two

ships-of-the-line, seven frigates, and a number of smaller vessels have entered St. Andrews' Sound, made a landing on Cumberland Island, and are there establishing themselves. I have further intelligence that their barges occupy all the sounds and inlets between St. Mary's and Brunswick, inclusive.

The defence of our own land is the first and most imperious duty. Were the regiment under your command without the State, on its route to Mobile, I should not interfere with it; but, under existing circumstances, I should think it criminal inattention to my own greatest duty to suffer the force to pursue its destination. You are already in the field, prepared at all points, and at the very spot most favorable for marching to the relief of the sea-coast. Before other troops could be collected, organized, and marched there, insurrection on one side, and Indian massacre on the other, may have produced their full measure of ruin. The enemy have black troops with them.

Under all these circumstances, I take on myself the responsibility of ordering you with the force under your command to shape your course, without delay, to the point invaded. You shall hear from me further on your march. Your route, I presume, will be down the river-road through Telfair, across the Oconee at Bell's Ferry, and then to Fort Barrington. The road which was cut last year by Major Blackshear would be nearer, but I suspect could not, at this season, be passed by wagons. Besides, the other is through an inhabited country and near the river down which your supplies will have to be sent.

I shall give immediate notice to the contractor and quartermaster, both now at Fort Hawkins, of this arrangement. I think it advisable for you to take the earliest measures to have your detachment regularly supplied with provisions while on your march and at any given point of destination.

Being ordered on a separate and distinct command from Gen. McIntosh, the contractor will obey your orders for supplies, and the quartermaster's department likewise for transporting them.

I shall, by express, immediately inform Gen. McIntosh of the step I have taken, and transmit to him a copy of this letter.

I am, with high respect, your obedient servant,

PETER EARLY.

LXXXII.—GEN. BLACKSHEAR TO FARISH CARTER.

CAMP, FIVE MILES BELOW HARTFORD, January 21, 1815.

SIR:—Imperious circumstances make it necessary that your attention be given to the delivery at Hartford of thirty thousand complete rations, contemplated in a requisition from Gen. McIntosh; and, as I am ordered to operate within the settled limits of Georgia, you will take such steps as will enable you to keep the detachment under my command constantly furnished with thirty thousand rations in advance until the 1st of May next, provided this detachment continues to operate within the limits of your contract, or unless you are notified to do otherwise.

Our country is invaded; and I hope in God you will use every exertion in your power to facilitate the movement of the troops to check the insurrection and depredation that will ensue should we delay for want of provision.

LXXXIII.—GEN. BLACKSHEAR TO CAPTAIN LANE.

CAMP, FIVE MILES BELOW HARTFORD, January 21, 1815.

SIR :—You will, before this reaches you, have received intelligence of my route being again and again changed, and that I am now on my way down this river to Barrington on the Altamaha. I expect to continue this route until I do something. You will therefore use every exertion in your power to facilitate my movements.

The quartermaster-general's department will forward on the supplies furnished by the contractor, agreeably to the requisitions he may have received, and call on the ordnance department for at least five hundred pounds of best powder in his possession, and at least ten reams of cartridge-paper, and transmit it to me without delay. You are well apprized of the quality of the powder he has furnished. I think you or Major Fannin had best come on, that I can have an understanding with your department. I shall proceed down as soon as possible.

LXXXIV.—GEN. BLACKSHEAR TO MAJ. GEN. McINTOSH.

CAMP, FIVE MILES BELOW HARTFORD, January 21, 1815.

SIR :—In obedience to your orders of 11th instant, I retraced my steps by way of Hartford, and on my way up this river this day received an order from his Excellency Governor Early, a copy of which, he informs me, was forwarded to you by express.

Knowing, as I do, the high sense you entertain of his Excellency's patriotism, and the imperious necessity of checking the pillage of that marauding foe who has already set his polluted foot on the most vulnerable part of our seaboard, and at the same time being greatly in your rear, without the least intention or inclination to deviate from your orders, I have changed my route, fully anticipating your sanction of the proceeding of his Excellency. But, should circumstances so present themselves as to induce you to order to the contrary, I am still ready cheerfully to obey, and hope your conclusion will be that, if I have erred, it was with the purest intentions, which could only be resisted by a man less attached to his country's interest.

LXXXV.—GEN. BLACKSHEAR TO GOV. EARLY.

CAMP, FIVE MILES BELOW HARTFORD, January 22, 1815.

SIR :—Yesterday, five miles above Hartford, I received your order to tack and shape my course for the seaboard. Notwithstanding it was counter to the last orders of my major-general and might implicate me for disobedience of orders, I, knowing the patriotism of my major-general, and your Excellency vouching for the responsibility, reflecting at the same time on the necessity of anticipating his orders, did deign to change my route, and am now on my way down this river in pursuance of your orders.

From this place, where I arrived last night, if the contractor and quartermaster-general's department will only be vigilant, I have made a requisition on the ordnance department for five hundred pounds of good powder and some cartridge-paper. The quality of what I have you are apprized of. If the ordnance-officer is on the spot and has not given out all the good powder to Col. Hawkins for his Indians, perhaps I may get some; but it is even doubtful then. With the powder we have, our bayonets will be our main dependence. The country abounds in provision, and the

two rivers calculated to raft it down, that, with proper exertion in the proper departments, we need not suffer.

I shall be at the point where I can begin to render my country some service as soon as possible. I have a good number sick and many deserters; but nothing shall stop me but want of provision. Great part of my deserters, I think, will return, and of whom I shall treat more particularly in my next communication.

LXXXVI.—MAJOR-GENERAL MCINTOSH TO GEN. BLACKSHEAR.

FORT DECATUR, January 22, 1815.

SIR:—I arrived at this station to-day with the balance of my detachment from Fort Mitchell. Colonel Boothe, who had the superintendence of building boats for the transportation of the army down this river and the Alabama, has exerted himself beyond my expectation, and in eight or ten days will have sufficient boats to convey fifteen hundred men, baggage and provisions, to Mobile.

I hope before that period you will have joined us. As it is all-important that you should make use of every effort to accomplish a junction with me, the artificers with you will very much accelerate our object of speedy departure from this place; and a few days gained may afford us an opportunity of rendering essential services to our invaded country.

We learn that General Jackson has for several days been skirmishing with the enemy near Orleans, and that he has uniformly had the superiority, although with a far inferior force.

It will be necessary for you to send as many pioneers in advance of your army from Fort Bainbridge to this place as you can furnish with tools, to repair the road for your wagons. It was with the greatest difficulty I got on, the road being the worst I ever saw.

You will, on receipt of this letter, despatch an express to me, stating the probable period of your arriving here.

I am, sir, respectfully, your most obedient servant,

J. MCINTOSH,
Maj. Gen. Commanding, &c.

LXXXVII.—MAJ. GEN. MCINTOSH TO GEN. BLACKSHEAR.

CAMP, NEAR FORT DECATUR, January 23, 1815.

SIR:—I received your letter of the 14th instant, dated twelve miles east of Flint River, stating that you would immediately march, retracing your steps, and take the road after me from Fort Hawkins.

It is unnecessary for me to repeat to you the necessity of pressing forward with all diligence,—which if you do, I hope you will join me at the Tallapoosa, Fort Decatur, on the 5th or 6th February, when I expect to be ready to take my departure in boats to Mobile. If you should not arrive at that period, I shall be at a loss to give you instructions, as I should, in that event, consider the services of the detachment under your command lost to the General Government. You will, as stated in my letter of 22d, despatch an express to me.

I am, respectfully, your most obedient servant,

J. MCINTOSH,
Major-General, &c.

LXXXVIII.—MAJOR A. B. FANNIN TO GEN. BLACKSHEAR.

FORT HAWKINS, January 24, 1815.

SIR:—Your letter of the 22d instant by express was handed to me this morning. I had previously been informed of the incursion of the enemy on our coast, and of your destination in that direction by the Governor of Georgia.

I learn that the contractor has been ordered to supply thirty thousand rations per month at Hartford for your consumption. I presume he has by this time furnished for one month, which you can take with you on your march. For the second month it should be deposited at Fort Barrington, or some other eligible place on the Altamaha, in readiness for your reception. It would be well to point out to Carter the spot immediately, that he may have no room to equivocate and say the requisition is not in form. The contract requires the place of deposit to be set forth, and yours just received is in general terms.

I have no authority to appoint an assistant in my department: that authority alone is vested in the President of the United States. The brigade-quartermaster attached to your command will represent that officer. It is his duty, and I have given him orders and instructions accordingly. The disposition made of the members of the department will not admit of any one of them to accompany you. Major Gray, who should be here, is with Gen. McIntosh; Captain Lequerse is at Fort Mitchell, superintending the building of boats for the supplying of Col. Hawkins's command down the Chattahoochee; and Capt. Lane is engaged in the purchase of forage and the forwarding of provisions in the Nation. I am hourly engaged in making settlements. When my funds are exhausted—which is nearly the case—I shall come on to the sea-coast.

It is with regret that I hear you complain of the incapacity of the forage-masters attached to your command. They are men whom I never knew. If there have been any wanton improprieties or neglect of duty by any member of my department, you owe it to yourself and country to have it redressed as pointed out by the regulations of the army.

The ordnance department are not capable to furnish at this place one pound of powder nor any cartridge-paper. I would recommend that you make known your wants on that head to Gen. Floyd, Savannah. I shall write to the Governor to know whether he can spare any from the State Arsenal, and, if so, will send it down the river in a boat intended to be chartered with corn,—as it will be difficult to procure that necessary article in the country you are to operate in.

Mr. Slaughter, one of our best forage-masters, with instructions, is ordered to accompany you on your march. He will do his duty, and will be under your immediate control. I advanced him two hundred dollars until further aid can be obtained. If you have more wagons in service than are necessary, please have them discharged.

I have the honor to be, sir, very respectfully, your obedient, humble servant,

A. B. FANNIN,
Deputy Q. M. Genl. U. S. Army.

N.B.—The two forage-masters complained of are ordered to this post to settle their accounts and retire from the service. A. B. F.

LXXXIX.—GOV. EARLY TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, January 25, 1815.

SIR:—Your letter of the 22d instant has been duly received. The promptness with which you have proceeded to meet the enemy in our country is truly laudable. According to my calculation, this will reach you somewhere in the neighborhood of Bell's Ferry.

My latest intelligence of the enemy's movement is from General Stewart, at Riceboro, on the 19th. All the country south of the Altamaha is in their possession. The people have fled, and the militia and regulars retreated across that river. It is by some supposed that the aim is a march by land to Savannah.

The part you have to act must necessarily be left to your own discretion. You ought immediately to communicate with General Floyd;* and it will be highly proper that you employ vedettes to observe and inform you of the movements of the enemy. Should he be marching on Savannah, you will of course, if possible, fall on his rear and harass him on his march. Should he remain south of the Altamaha, I apprehend you should establish a depôt at St. Savilla, and operate as circumstances may admit. I have heard, verbally, that a considerable reinforcement from South Carolina was some days ago within a short distance of Savannah, but know not whether the account is to be credited.

Captain Conner,† of Tattnall or Montgomery, commands a volunteer company of mounted riflemen. I think it probable that he may be employed to advantage in protecting the Indian frontier from Fort James on toward the St. Mary's. You will be better able to judge; and if he can, in your opinion, be serviceable in that way, you will order him accordingly. The ammunition you write for will be sent off to-day from this place. There is none in store at Fort Hawkins.

I am, with high respect, your obedient servant,

PETER EARLY.

XC.—ANTHONY PORTER TO GEN. BLACKSHEAR.

MILLEDGEVILLE, January 25, 1815.

DEAR SIR:—I take the liberty of sending to you enclosed a *Savannah Republican* of the 17th instant, in which you will find two letters from Capt. Massias at Point Petre to Gen. Floyd at Savannah, and one from Col. Scott at Jefferson, Camden county, detailing the operations of the enemy in the neighborhood of St. Mary's. It was by these documents,

* See No. 75.

† The Rev. Wilson Conner, who had been with the "Patriots" in Florida under the command of Gen. John Houston McIntosh, was appointed Delegate from the Provisional Government in Florida to the Congress of the United States; and, while on his way to the city of Washington, hearing of the disavowal by President Madison of the treaty negotiated by Governor Mathews, he desisted from the further prosecution of his journey, as his official character was at an end. Mr. Conner was physically of majestic mould, with features, voice, and expression of countenance to correspond, impressing the beholder with great dignity and reverence. For the last twenty years of his life, or more, he was a distinguished minister of the Baptist Church. At the close of a sermon he fell dead in the pulpit, some ten or fifteen years ago, realizing the wish he had often expressed to his friends to leave the world in this triumphant manner. His education was defective, yet his style was pleasing and generally correct. What he lacked in polish was more than made up by uncommon vigor of mind and unction of delivery.

communicated to the Executive by express, that you were ordered to that quarter of the country.

You will readily see what distress the people of that section of the State must be in. They will hail you as their protector and deliverer.

We have not a word from Gen. McIntosh relative to his progress on toward Mobile since the Governor last wrote you. We have a rumor by way of Athens, from Tennessee, that Gen. Jackson has had a battle with the British at New Orleans on the 22d December, and was successful. I send you the extra handbill from Athens relative to this subject. God send it may prove true!

In great haste, I am, dear sir, your obedient servant,

ANTHONY PORTER.

XCI.—ANTHONY PORTER TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, January 25, 1815.

SIR:—A wagon will start from this place early in the morning, for the purpose of conveying to you, as was mentioned by the Governor in his letter to you of this date, four hundred pounds of excellent powder, in sixteen small kegs, twenty-five pounds in each, and seven reams of cartridge-paper,—which is all we have on hand at present, and this but of an indifferent kind. It will, however, with judgment and care, make up a great many cartridges.

The Governor has concluded it would be acceptable to you to have a few musket-cartridges in addition to the supply which you may at present have on hand, to meet any unforeseen casualty or event. With this view, he has sent in this wagon five boxes containing 2970 in each box,—in all 14,850,—which, with what powder we have sent you, and the cartridges you may have on hand, will be a tolerable supply, and will enable you, in case of necessity, probably to furnish any small detachment of militia which may be in the field and should stand in need of the like.

You will please direct the regimental quartermaster to give you a receipt officially, in the name of the Governor, for the whole of the articles sent you, particularizing the quantity of each, and send it back, under cover, by the wagoner, Mr. Stubbs.

I send you enclosed a duplicate of the receipt given by the wagoner for the delivery of the articles before mentioned to your care.

I am, sir, your very obedient servant,

ANTHONY PORTER,

Secretary.

XCII.—A. McDONALD TO GEN. BLACKSHEAR.

HARTFORD, January 22, 1815.

DEAR SIR:—I understand from Mr. Armstrong that you are interrupted with me for not coming on last evening to your camp. I am in this case blamed without cause, in my opinion. When we parted yesterday on the road, you told me that you would expect me to do every thing in my power to furnish you with provision and forage. I then took it for granted that you did not expect to see me any more until I was ordered on from here; neither did I ever hear you say any thing about purchasing any provision on the road below this,—though, upon reflection, I conceive I did wrong, as I might have thought of the propriety of purchasing provision on the road myself, and have come on to make arrangements accordingly.

I wish you to let me know whether you desire me to come on to you, to lay out what money I have in my possession, or whether you want me to continue here. I will have the boats loaded with corn in the morning, and start to-morrow, if you do not direct Mr. Wilcox to wait to take in the flour.

I have the honor to be your obedient servant,
ALEX. McDONALD.

XCIH.—GEN. BLACKSHEAR TO THE ARMY CONTRACTOR.

CAMP, BELL'S FERRY, January 27, 1815.

The contractor will furnish at St. Savilla Bluff, on the Altamaha, one hundred thousand complete rations, to carry more completely into effect my general instructions of the 22d instant, within thirty days from this notice.

By order of Brig. Gen. Blackshear:
THOMAS HAMILTON,
Aide-de-Camp.

XCIV.—JOHN SAWYER TO GEN. BLACKSHEAR.

MR. SHORTLONG'S, January 27, 1815.

DEAR GENERAL:—No doubt but that you are anxious to hear from the low country, since what you may have lately heard from that quarter.

I was down at the time of the British landing on Cumberland Island, as well as when they took Point Petre and St. Mary's surrendered to them. They promised to respect private property; but that promise has been violated, and some of the gentry who confided in them are prisoners on board the Primrose frigate, (Major Clark and Dr. Ross in particular.) They are seducing the negroes to join them, under fair promises; and many have accepted, and they are still going to them. All or nearly all the negroes on Cumberland Island are in training under the wretches in human form.

They appear to be proceeding on toward Darien; their ships and barks are seen off daily. I have no doubt but that they have plundered St. Simon's before this. They had plundered Jekyl before we (Mr. Chase and myself) left Darien, and burnt the buildings. Mr. Couper's family were on Cumberland Island when they first landed. He went with a flag, and endeavored to learn from them whether private property would be respected if the inhabitants did not move off. They told him it would be sacred. After that he had a conversation with a Captain Stephens, who had the candor to tell Mr. Couper that, whatever they might tell him, private property would not be sacred; that he would advise him by all means to move off his property, particularly his negroes, and tell his friends to do so.

Captain Massias has fallen back to Barrington. Col. Scott still holds on to the St. Illa with about eighty men; and the Patriots—about sixty in number—are much on the alert. They keep up a constant correspondence with Col. Scott. Scott has intercepted some scoundrels driving beeves to the British. He took one drove from a party going to St. Mary's. I am in great hopes that Darien will be held. They have a force there of about five hundred; and more are joining daily. Mr. Spalding has not moved any of his negroes. It was understood, but not much said about it, that his negroes exhibited signs of rebellion. Should a removal be

attempted, you can have no idea of the distress of the low country,—every one moving their negroes that can, and many leaving every thing behind.

The idea of Woodbine was more alarming than the British, if possible; but that fear has in a great measure subsided. From the best information, Woodbine never has had more than from forty to sixty men. They have not been heard of very lately. I left Barrington on Wednesday last, where I saw people direct from the southward.

I am, sir, with great respect, your most obedient and humble servant,
J. SAWYER.

N.B.—Captain Massias lost one killed and two or three wounded. I saw two of the British deserters, who state that the British had two killed and several wounded.

XCV.—GEN. BLACKSHEAR TO GOV. EARLY.

CAMP, LITTLE OCMULGEE, SEVENTY-THREE MILES BELOW HARTFORD, Jan. 27, 1815.

SIR:—Last evening I arrived at this place with my little detachment, all in health and spirits.

It was a comfort, on the receipt of your orders, to bear down with all expedition, as early as possible, to check the enemy, and save as much as possible the feelings and property of the flying inhabitants from the plunder and devastation of the marauding foe. I immediately made such arrangements as would warrant the most precipitate march, if the contractor and quartermaster-general's department will do their duty. I wrote them immediately, and called on the contractor to keep me constantly furnished with thirty thousand rations in advance until the 1st of May next, except he should receive counter-orders. Not being furnished with a copy of his contract, I was at some loss in what manner to make my requisition; but I ordered the former requisition of Gen. J. McIntosh to be delivered at Hartford. These I contemplate to have furnished on my march, or at such place as may be stationed within the limits of his contract. I have, however, received no information from either of the departments, nor do I know whether they will attend to the business so as to enable me to proceed by forced marches until I arrive at Barrington. We should have been completely out yesterday but for a boat we fell in with that had taken alarm on its passage down and was about to return. I ordered the quartermaster to purchase the load. Under existing circumstances, it is impossible to coerce the contractor to his duty except I had funds to enable me to furnish when he neglected. We have been much neglected by that department in small rations. Provisions and forage might be sent down the Oconee, and for which we shall suffer if we do not get a supply in a few days.

I should be glad to hear, as early as possible, if Gen. McIntosh sanctions the change of my route.

I shall be detained here to-day in getting across this rivulet; and tomorrow it is probable I shall be at Bell's Ferry. This is the last communication I shall be able to make, until I get some paper, as I am now quite out.

XCVI.—GEN. FLOYD TO GEN. BLACKSHEAR.

SAVANNAH, January 31, 1815.

SIR:—I have the honor to acknowledge the receipt of your letter of the 27th instant, and to express the gratification it afforded me to learn the route and progress of your march.

The enemy, after pillaging St. Mary's and destroying the fort and magazine at Point Petre, evacuated these points on the 24th, and withdrew to the island of Cumberland, having seized all the vessels of the citizens in the waters of the St. Mary's, without regard to the sovereignty of his Catholic majesty or the rules of neutrality. Neither afforded protection to American property.

It is pretty well ascertained that their force amounts to two thousand men, of which number four hundred are said to be black. The whole of our ordnance-stores and the baggage of Captain Massias's detachment fell into the hands of the enemy, who, it is believed, meditate an attack upon this city after, if not before, the fate of Orleans is decided,—a circumstance which must ere this have taken place.

Indeed, their designs against our State are derived from a source which seems to place the certainty beyond a doubt: it therefore becomes the imperious duty of those who have the direction and control of the energies of the State to breast against the impending storm, which, from its threatening aspect, had elicited the exercise of the discretion delegated to me to augment our numerical force to such numbers as would make the result of an assault as it ought to be.

The impression, however, that the enemy have not as yet received reinforcements has induced General Pinckney (who is now here) to dispense with the services of Gen. Byne's brigade, with the exception of three hundred volunteers drawn from Augusta, Burke, and Jefferson counties, under the conviction that the direction which has been given to your command, and one thousand men held in requisition from South Carolina, would afford a force competent to meet present emergencies.

Three companies, in addition to some local militia, are stationed at Darien, amounting in number to about three hundred and fifty men. Captain Massias, with his command, is at Barrington, and Col. Scott, with about ninety men, at the Great St. Illa, near Jefferson.

As your command has been included in the calculation of the means of defence to be given to the seaboard and Indian frontiers, you will readily perceive the necessity of giving me the earliest notice of any extraordinary detention or change in the route now contemplated. As you will probably cross the Altamaha at Barrington, I shall, on your arrival there, communicate to you more fully the arrangements in view: in the mean time, I shall be happy to reciprocate an unreserved correspondence.

Knowing that you breathe my own sentiments as respects our country and its enemies, it will at all times afford me pleasure to unite my efforts to promote the interests of the one and the discomfiture of the other.

In your next, be pleased to acquaint me with the strength of your command, prospects of provisions, and the probable period of your arrival at Barrington.

That we may both be instrumental in preserving the interests of our country, and prove worthy of the confidence reposed in us, is the sincere wish of one who has the honor to be, very respectfully, your obedient servant,

JOHN FLOYD,
Brigadier-General.

XCVII.—GEN. BLACKSHEAR TO GEN. FLOYD.

CAMP, 118 MILES BELOW HARTFORD, February 2, 1815.

DEAR SIR:—It is with no inconsiderable pleasure that I have the honor to inform you that, on my march fifteen miles from this place, I this

day received yours of the 31st,—but am extremely sorry to have to state, that from the great number of small streams bordered by extensive swamps, rendered almost impassable by the multitude of wagons flying from the horrors of invasion and insurrection, my march to Barrington is much retarded, and I fear I shall thereby fall short of your expectations, and perhaps fail to enjoy an opportunity of rendering to our distressed fellow-citizens that speedy relief and security so anxiously desired.

My solicitude to attain the point of destination is much increased by the certainty you express of the enemy's designs against this State; but, should no unfortunate event interfere to impede my progress, I presume I shall be able to reach Barrington on the evening of Saturday next, at which time I hope to be ready to receive from you advices concerning the arrangements.

At this time the effective force of my command is a little above eight hundred, officers included; but I expect a gradual augmentation to the number of nine hundred. My sick and convalescent, left at Hartford on the receipt of his Excellency's order, are beginning again to join the detachment, while new cases of disease are becoming extremely rare.

Immediately on the receipt of orders, turning my course toward the seaboard, I ordered the contractor forthwith to furnish, at Hartford, thirty thousand rations previously required to be about that time deposited at that place. Of this, however, I have consumed a part, but have on hand at this time about fourteen days' rations.

As soon as I was apprized of a place at which I should probably be able to make deposit, I made a requisition on the contractor for one hundred thousand complete rations to be delivered at St. Savilla Bluff. This supply I hope to receive in time to meet the exhaustion of what provision I have at present on hand. Of forage there is indeed a scarcity; but I nevertheless have a hope that I shall be supplied.

Unless emergencies demand the contrary, I contemplate remaining at Barrington a few days, with a view to the restoration and improvement of the strength and spirits of my troops, and for the inspection of my arms and ammunition, as well as for the rearing of a few temporary buildings for the reception of public stores, &c.

XCVIII.—GEN. BLACKSHEAR TO CAPT. A. A. MASSIAS.

CAMP, 132 MILES BELOW HARTFORD, February 4, 1815.

Gen. Blackshear has the honor to inform Capt. Massias that the detachment under his command will arrive this evening at Barrington, and also that a gentleman of high respectability arrived in camp last evening with the pleasing intelligence that on Monday last a *feu-de-joie* of nineteen guns was fired at Fort Hawkins in celebration of the signal victory gained over the British, by General Jackson, at New Orleans. The report is that Gen. Jackson killed one thousand dead, and took five hundred prisoners, with only the loss of twenty men. Too good to be entirely true, I fear. Gloria Dei! Gloria Jacksoni!

By order of Brigadier-General Blackshear:

THOS. HAMILTON,
Aide-de-Camp.

XCIX.—GEN. FLOYD TO GEN. BLACKSHEAR.

DARIEN, February 6, 1815.

(Division Orders.)

Brigadier-General Blackshear will, on the receipt of this order, relieve the troops stationed at this place under the command of Major King, making Barrington his head-quarters, where he will cause to be erected houses for provisions, as the principal depôt in this quarter.

In placing troops in the neighborhood of Darien, Gen. Blackshear will take a view of the different points capable of being approached, and post the detachment accordingly, keeping out pickets to guard against surprise. Boats and crafts of every description will be placed in some secure and commanding situation, unless their owners will be responsible for their safe-keeping.

Major King, on being relieved, will immediately take up his line of march and proceed to Camp Covington, where he will report himself on his arrival. The returning provision-wagons will furnish transportation for the detachment's baggage.

Captain James Hamilton's company of artillery will resume their command at Sunbury, taking with them the artillery belonging to that place.

Major Hopkins will discharge the local militia under his command, taking care to hold them in readiness to co-operate with the detachment at Darien, or at any other point, as circumstances may require. The detachment furnished at Darien by Gen. Blackshear will take charge of the two pieces of ordnance, which will not be removed unless emergencies should make it necessary.

The detachment of regulars under Capt. Massias will, as soon as they are supplied with provisions and ammunition, hold themselves in readiness to march southwardly.

Gen. Blackshear will communicate all important information to headquarters at Savannah.

By order of Brigadier-General John Floyd, commanding 1st Division Georgia militia.

THOS. BOURKE,
Aide-de-Camp.

C.—GOV. EARLY TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, GEORGIA, February 8, 1815.

SIR:—I have not heard from you since you crossed the Oconee River, but presume you are by this time about Fort Barrington. I believe I have not, in any of my former letters, directed you expressly to report yourself to General Floyd; but I presume you have *communicated* with him in such way as to answer the same purpose. I have written to Gen. Pinckney at Savannah fully on the subject of your situation, and expect an answer to-morrow.

By a letter from Major-General McIntosh, dated at the Tallapoosa River on the 28th ultimo, I have been assured that he most fully approves of the orders which were given you to march toward the seaboard. He was to move the next morning for Mobile.

Should orders or instructions be sent you by Gen. Pinckney or Gen. Floyd, you will of course conform to them. Indeed, it is to be expected that you may have received such immediately on your opening a communication with the latter officer.

I enclose you a newspaper, by which you will discover that General Jackson is making glorious havoc of the enemy at New Orleans.

I have the honor to be, with high respect, your obedient servant,
PETER EARLY.

CL.—ANTHONY PORTER TO GEN. BLACKSHEAR.

MILLEDGEVILLE, February 8, 1815.

DEAR SIR:—On the 31st of January, I wrote a letter to you with a view of sending it immediately after: being disappointed, however, it has remained in the office ever since. I have now an opportunity, and have concluded to send it to you.

I send enclosed some commissions for officers in your detachment of militia in the room of Capt. Lee, &c. from Wilkinson.

The Governor writes you by this conveyance, and has sent the last *Georgia Journal*, which will, I believe, give you all the information we have at this place at present.

In haste, I am, dear sir, your very obedient servant,
ANTHONY PORTER.

CII.—MAJOR-GENERAL PINCKNEY TO GEN. BLACKSHEAR.

(General Orders.)

HEAD-QUARTERS, SIXTH MILITARY DISTRICT, SAVANNAH, February 8, 1815.

In all cases where bacon is issued to troops as a part of the rations, nine ounces will be the proportion of each ration in lieu of beef or pork.

The quartermaster's department and contractor will be prepared to furnish to troops, to be stationed at Brearly, Montgomery, and White Bluff, whatever is allowed by law or regulations in their respective departments.

(*Order of February 9, 1815.*) In all cases where persons (other than soldiers) are arrested by military authority for contravention of the laws, or suspicion of treason or illegal practices, affidavits must be taken of the facts alleged, and transmitted with the prisoners to the officer commanding the troops of the United States in the State where the arrest takes place. The prisoners, with the affidavits and evidence, will be referred to the United States District Attorney, except in cases cognizable by military law only, when they are to be brought before a military tribunal.

By order of Major-General Pinckney, commanding military district
No. 6:

MARK HARDIN,

Assistant Adjutant-General State Troops U. S. service.

CIII.—GEN. FLOYD TO GEN. BLACKSHEAR.

SAVANNAH, February 12, 1815.

(Division Order.)

Brigadier-General Blackshear will, on the receipt of this order, furnish from his command one full company, who will join a detachment of local militia under the command of Major Hopkins, for the purpose of pre-occupying Sapelo Island in order to repel any hostile attempt of the enemy. A voluntary tender of service for the accomplishment of this object would be preferred, and, it is believed, will be afforded with alacrity, on the condition that Major Hopkins will furnish a competent number of men to navigate the boats to be employed, and act as pilots, by water and land, taking care to furnish the whole detachment with at least eight or

ten days' provisions. The continuance of the troops on Sapelo will be regulated by circumstances, or augmented as General Blackshear in his judgment may think proper.

JOHN FLOYD,
Brigadier-General.

CIV.—GEN. FLOYD TO GEN. BLACKSHEAR.

SAVANNAH, February 12, 1815.

DEAR GENERAL:—It is confidently believed, by the best-informed persons here, that the preliminaries of peace were signed at Ghent by the contending parties, on the 24th of November, and that the official account of it will soon reach us, although it would be unwise and impolitic to rely on its probability; yet it has considerably lessened the expectations of an attack on this place.

It is nevertheless believed that the enemy will, in the mean time, be more vigilant in the prosecution of their predatory warfare where it can be effected without much risk. The greater exertion on our part becomes necessary to counteract their mischievous designs. Therefore, if Major Hopkins will furnish a suitable number of his militia who are acquainted with the management of boats, I think the contemplated expedition will, if properly managed, be productive of beneficial effects, without encountering much risk.

I have the honor to be, very respectfully, your obedient servant,
JOHN FLOYD, *Brig. Gen.*

CV.—MAJOR-GENERAL PINCKNEY TO GEN. BLACKSHEAR.

HEAD-QUARTERS, SIXTH MILITARY DIVISION, SAVANNAH, February 13, 1815.

(General Orders.)

Colonel Boote, Inspector-General United States army, will proceed to have mustered, as expeditiously as possible, the following militia troops called into the service of the United States,—viz.:

First regiment, commanded by Col. Johnson, now at Savannah.

Three volunteer companies from Augusta, one from Scriven, one from Jefferson, and one from Burke.

A company of second regiment, now at Hardwick.

One company of artillery, commanded by Capt. Hamilton, now at Sunbury.

A detachment of 30th regiment under Col. Scott, now at the St. Illa.

Two troops of dragoons and two companies of riflemen of South Carolina, ordered to report to the officer commanding troops of the United States in Savannah.

One regiment and one battalion of South Carolina infantry, ordered to rendezvous at the Two Sisters' Ferry.

The drafted militia will be mustered in the same proportion of commissioned and non-commissioned officers and privates as obtain in the regular service,—the volunteers, serving as such, in the same proportion that obtain in the laws of the States to which they respectively belong.

By command of Major-General Pinckney: MARK HARDIN,
Assistant Adjutant-General.

CVI.—GEN. BLACKSHEAR TO GEN. FLOYD.

CAMP NEAR DARIEN, February 13, 1815.

SIR:—Ever since you left this place, we have been in a constant state of alarm, and the principal inhabitants remonstrating against my leaving

this station. I have therefore, agreeably to your orders, explored the passes through which this place is most accessible, and picketed them; and immediately on your departure I despatched one full company to Barrington in addition to those already there, to build houses for the deposit of provisions, and to protect that post.

Last Thursday, a party of the British ran up and landed at Mr. Brailsford's, south of this, broke the house and trunks, and carried off some clothing. They then went over to Broten Island, broke and plundered the house. Immediately on gaining this intelligence, I detached a party to Broten and the intermediate islands, who waited in ambush one day and night, in hopes that they would make a second visit, but made no discovery, only of a boat from Amelia.

I have just heard from St. Simon's by a gentleman of high respectability, who states the force of the enemy there to be a small plundering party, who are getting all the negroes they can entice, and large numbers are going off the main to them. I have just passed an order for the security or destruction of all the small boats and canoes between this and Brunswick, to prevent the blacks from going off *en masse*. They are continually going to and returning from the enemy. I have received advice that they sent a boat, piloted by a negro, to cut off the picket on the General's Island, but failed in consequence of the pilot missing his way. Independent of this, we have citizens now in Darien who not only justify the enemy, but openly abuse the American Government, and endeavor to induce them to believe that they will never get pay for their services, that our Government is bankrupt, and a number of like expressions calculated to excite sedition or mutiny. I am anxious to have these men, and all suspected characters, arrested; but, being aware of the privileges allowed, I am at a loss what mode to pursue. I should be glad, therefore, if you would fully point out to me what line of conduct I ought to pursue in such cases.

I expect to remain in this neighborhood a day or two, or until I can hear from you. I shall, however, proceed to Barrington as soon as I can have the exposed points on the south branches of this river so picketed as to prevent the enemy completely from stealing a march on this place, except it shall be your pleasure, or that of Gen. Pinckney, to order me otherwise,—which I am at all times, in any circumstances, ready to obey, and, in the mean time, to afford any exertion to protect the persons and property in this part of the country.

CVII.—GEN. PINCKNEY TO GEN. FLOYD.

HEAD-QUARTERS, SIXTH MILITARY DIVISION, SAVANNAH, February 14, 1815.

(General Orders.)

The militia troops of Cuthbert's brigade, called into the service of the United States, and assembled at Sisters' Ferry, including the two companies of riflemen under marching-orders, will be discharged as soon as mustered. Any part of these troops not joined are hereby countermanded. The senior officer at Sisters' Ferry will take the most prompt and effectual means to publish this order, that those who have not joined may not unnecessarily turn out. The draft from this brigade being countermanded, those who have already assembled will be mustered without observing the proportions of commissioned and non-commissioned officers and privates directed by the general orders.

Lieutenant-Colonel Austin, an officer commanding a regiment of South

Carolina infantry called into United States service and ordered to rendezvous at Two Sisters' Ferry, will obey the requisition of Brigadier-General Floyd, commanding troops in the United States service in Georgia to move into Georgia, and, on his arrival there, will report to Gen. Floyd and obey his orders.

By command of Major-General Pinckney: JOHN EWING,
Assistant Adjutant-General.

CVIII.—JAMES MONROE TO MAJOR-GENERAL PINCKNEY.

DEPARTMENT OF WAR, February 14, 1815.

(Copy.)

SIR:—It is with great satisfaction that I have to inform you that a treaty of peace was concluded between the United States and Great Britain, at Ghent, on the 24th December last. A copy of this treaty was received to-day, by Mr. Carroll, has been examined by the President, and will, I have no doubt, be ratified.

I give you this information that hostilities may immediately cease between our troops and those of Great Britain. It will be proper for you to notify this to the British commander in your vicinity.

I have the honor to be, with great respect, your obedient servant,
(Signed,) JAMES MONROE.

CIX.—ORDERS FROM GEN. BLACKSHEAR.

CAMP NEAR DARIEN, February 16, 1815.

The military-store keepers will, in future, be held responsible for the quality and condition of all provision which they may receive from the contractor's or other department, at the time such provision may have been received. And should it appear that any such provision so received by them was unfit for the use of the army at the time it was receipted for, it shall be their loss, and not the loss of the United States; and of this order all whom it may concern will take notice.

CX.—GEN. BLACKSHEAR TO MAJOR F. HOPKINS.

CAMP NEAR DARIEN, February 25, 1815.

SIR:—Captain Burke arrived last night, two days from Charleston, with intelligence of peace,—a copy of which is enclosed; and it is ordered that hostilities should cease. Capt. Burke is gone with despatches to Cumberland, to the commanding-officer of the British forces at that place.

Captain White, with his command, will therefore immediately return and join camp; and Major Hopkins will dispose of the local militia under his command, in pursuance of his orders from Gen. Floyd,—which, I presume, under existing circumstances, will be to discharge them. Of the propriety of this Maj. Hopkins will judge.

I have the honor to be your humble servant,
D. BLACKSHEAR,
Brig. Genl.

CXI.—GEN. FLOYD TO GEN. BLACKSHEAR.

SAVANNAH, February 25, 1815.

(Private.)

DEAR SIR:—The official accounts of a peace having been concluded between our country and Great Britain appear to have filled the hearts of

the populace here with joy. The accounts were received on the evening of the day which the mayor had proclaimed should be celebrated by illumination and music, in commemoration of the illustrious Washington's birth, and in celebration of General Jackson's victory over our implacable enemy at Orleans.

This strange coincidence of circumstances afforded all parties an opportunity of expressing their joy. But I presume that many whose hearts throbbed for the fallen bands of the *world's last hope* congratulated themselves at the close of the drama which might, if continued, have brought them in their proper colors on the stage. Joy gleamed on every countenance. The night was gloomy and calm. The streets were crowded with people of all colors, sorts, and denominations, who, with lighted candles, on foot and on horseback, enlivened the streets.

The crowd, led by the military, traversed the streets in procession, accompanied by all the music of a martial kind that the city afforded. The vessels in the harbor were illuminated, and the air resounded with loud huzzas and firing of small arms. The seamen had a small ship, which they carried through the streets, decorated, exclaiming, "*Don't give up the ship!*"

Private letters from Washington state that the treaty was ratified on the 16th instant. This evening's mail will probably bring us the President's proclamation on that subject. In England, such was the joy, that the horses were taken out of the stage which conveyed the intelligence through the country towns, and the stage drawn through the towns by the populace.

I presume that the militia of my brigade will shortly be disbanded. I have sounded General Pinckney to know whether he will permit you to pay our *red friends* a visit, by the way of winding up the show. I shall communicate to you the result.

I dislike the cession of the Floridas to the English. They will be a thorn in our side so long as we suffer them to remain,—which, I trust in God and my country, will not be long. Time will not allow me to say more at present. Accept my best respects. Present me to your officers, and believe me to be, with sentiments of high regard, your friend and fellow-citizen,

JOHN FLOYD.

CXII.—GEN. FLOYD TO GEN. BLACKSHEAR.

SAVANNAH, February 27, 1815.

(Division Orders.)

Officers commanding regiments and separate corps of militia in the service of the United States within the State of Georgia will, immediately on the receipt of this order, cause estimates to be made out of the pay due to their regiments and corps up to first March, and transmit them without delay to the United States paymaster in this State.

In pursuance of general orders of 25th instant, all the militia in service within the State will be discharged as soon as they shall be mustered and settlements made with the paymasters. They will be marched to their regimental rendezvous, and there discharged.

Commanding officers of regiments and corps are authorized to give permission to such officers, non-commissioned officers, and privates, as are desirous to proceed home without transportation being furnished them by the public.

The quartermaster-general's department will furnish the necessary transportation on the requisition of officers commanding regiments, corps, or detachments, and afford every accommodation to the sick (on requisition of a medical officer) to enable them to get to their homes. Those who cannot at present move will be accommodated at the present hospitals, and supplied with hospital-stores until they are able to move. Commanding officers of separate commands will detail a sufficient number of surgeons to attend them.

The quartermaster-general's department will provide stores, if necessary, and appoint proper agents to receive army-accoutrements, ammunition, camp-equipage, and articles of every description belonging to the United States, from the officers to whom they were issued, and make returns thereof to the proper departments.

The ordnance and ammunition at Camp Covington will be immediately returned to the authorities from which they were received.

Officers granting furloughs will keep a regular entry of all officers and men to whom those indulgences have been granted. All avoidable loss of arms, &c. will be placed to the account of officers who have received for them.

The lieutenant-colonel commanding the 2d and 3d regiments, and all officers commanding detachments and corps, will direct muster and inspection rolls to be made out without delay, preparatory to their discharge.

By order of Brig. Gen. Floyd, commanding:

MARK HARDIN,
Assist Adjt Genl.

CXIII.—GEN. JOHN HOUSTOUN McINTOSH* TO GEN. BLACKSHEAR.

THE REFUGE, April 2, 1815.

DEAR SIR:—A day or two after we left you, one of our carriage-horses took sick on the road and died. This accident, together with the badness of the roads, prevented us from reaching here until the latter part of last week. The bearer, (Mr. Saltonstall,) who, I believe, is a very good man, tells me that he intends living in your neighborhood; and being now on his way up, I embrace the opportunity of dropping you a line,—which I do the more readily as our mails, since the war, have been extremely irregular.

The conduct of the British, (particularly of the officers,) both at St. Simon's and St. Mary's, exceeds even what you and I believed of them in flagitiousness. Nothing was of too little value to tempt them; and every thing was grasped, let it belong to friend or foe, widow or orphan. Mrs. Shaw, however, is an exception to this general rule. Cockburn, though her negroes were the first to join him, had them all returned to her, together with a quantity of cotton, some of which belonged to other persons. She also had influence enough to get her cousin Ray Sands's negroes also returned. The report of her being so distressed was only until the arrival of Cockburn. Shortly after this event, it is said, she was remarkably lively; and, if Cockburn was master of the house and every thing in it, she was certainly mistress.

* Commander-in-chief of the "Patriots," who took possession of East Florida in 1814, and maintained a *quasi* government for about twelve months at their camp, within a few miles of St. Augustine. The Gen. John McIntosh under whose orders Gen. Blackshear served was a different personage, though a relative of the other.

The account of the Patriots having killed a great many of them is correct. The officers found it necessary, after they were fired upon from two bluffs, to douse their epaulettes and all the marks of an officer. Cockburn was so enraged when his six boats returned, with two-thirds of their crews killed and wounded, that he made a signal for all the boats and marines to come from the vessels, and swore that he would burn St. Mary's and every house between the Altamaha and St. Mary's. But the arrival of Maj. Burke with the account of peace prevented him from putting his threat in execution. I have no doubt but that he would have burnt St. Mary's; but I am confident that you would have prevented him from trusting his men any distance out of their boats.

I am anxious to hear what your brother has done with —; and I sincerely hope he will agree to no compromise after the unworthy treatment he has received. Pray, remember me affectionately to the major, and tell him I never think of him without gratitude for his hospitality and attention, and that I have taught all my children to play "Maurice," which I call, after him, "Blackshear,"—a name certainly as pretty as that of "Maurice." Remember me also kindly to your brother the colonel, and tell him I have not yet seen Mr. Sands, but will certainly attend to his business as soon as I do.

Our seasons have been in this part of the country uncommonly wet. I hope they have not been so with you. We had, a night or two ago, cold almost enough for a frost.

Mrs. McIntosh and my daughters are all well, and join with me in kind and best remembrance to your amiable lady, Mrs. Bryan, Miss Bush, and yourself. We all expect that Miss Bush will shortly lose her name, though not her verdure. That she and you all may never change your situation but for the better is the wish, my dear sir, of your sincere friend and obedient servant,

JOHN H. MCINTOSH.

CXIV.—TIMOTHY BARNARD (INDIAN CHIEF) TO GEN. BLACKSHEAR.

FLINT RIVER, December 2, 1815.*

SIR:—I received yours last evening by Mr. Volice and Mr. Jas. Joice, and fully observed the contents. I send on your letters this morning to the Agency, by express to Gen. McIntosh. The general, I expect, got to Fort Mitchell last evening. I had some information yesterday by a red man which I believe is true,—that is, that the British have erected their forts near the forks of these rivers, and one down at Forbes's Store, and that there is a number of British landed there. It is reported by the red people from that quarter that the red people do not wish to join the British in these wars. The Chehaw people—near where you will arrive on Flint River—are all inclined to be peaceable and assist our army. A man arrived from there yesterday, requesting me to send the chiefs a few lines to show you when you arrive on Flint River, that you may know your friends. The chiefs of Chehaw say they will be glad to furnish you with all the beef and hogs they have to spare, and render you any other

* This is evidently a wrong date. It must have been intended for 1814, because on 2d December, 1815, Gen. Black-shear was on his farm, having discharged his command in March, 1815, soon after peace with Great Britain was proclaimed. The letter is given as a proof of the fidelity of the respected author of it, who was known as the "white man's friend."

service in their power. I expect one of my sons will be down there, to assist you, that speaks our language.

CXV.—JOEL CRAWFORD* TO GEN. BLACKSHEAR.

MILLEDGEVILLE, September 15, 1818.

DEAR SIR:—By yesterday's mail I received from the Secretary of War, in answer to inquiries made pursuant to your request, the communication contained on the first page of this sheet. Though far from being satisfactory, it is about such a reply as might have been expected. I have ascertained by much experience that the gentlemen about the city all have a way of their own in doing business which is a great deal more convenient to themselves than any one else. I am sorry the Secretary has so soon fallen into those habits of evasion which have ever been fashionable in the city of Washington.

However, sir, if you will draw up an explicit letter to Mr. Calhoun, as nearly conformable to his already-expressed wishes as practicable, I will take charge of it, and, on arriving at Washington, press a proper attention to it.

I am, very respectfully, yours,

J. CRAWFORD.

[ENCLOSURE.]

WAR DEPARTMENT, August 2, 1818.

SIR:—I have received your letter of the 19th of July. To obtain satisfactory information, it will be necessary to furnish the names of the commanding-officers of the respective companies, because, in some cases, the rations were issued complete, and in others the provisions were delivered in bulk and issued by the quartermasters.

I have the honor to be your most obedient servant,

J. C. CALHOUN.

Hon. JOEL CRAWFORD.

CXVI.—GOV. RABUN TO GEN. BLACKSHEAR.

EXECUTIVE DEPARTMENT, GEORGIA, MILLEDGEVILLE, June 30, 1819.

SIR:—I have been this day waited upon by —, who has deposited in this office a petition or declaration containing a number of exceptions to the proceedings of a court-martial held in —, on the 15th of last month, before which he was accused of sundry high crimes and misdemeanors, which were alleged to have been committed by him while in the public service, in the months of March and April, 1818. It appears from the statement of — that he has been oppressed and borne down by the strong arm of power, contrary to the Constitution, laws, and usages of our country, and on charges and specifications which he alleges to be frivolous and unfounded.

Being desirous to hear both sides on this subject, I have deemed it my duty to call on you to furnish me a certified copy of the whole proceedings of the court-martial held in — for the trial of Captain —, of the — troop of cavalry.

The reasons which have induced me to adopt this course are, that if the

* Then a Representative in Congress.

charges exhibited against Captain — were for any misconduct which occurred while in actual service, then, according to the 29th section of the militia-law, the proceedings of the court must receive the approbation of the commander-in-chief before the sentence can be complete. But, if the charge was only for an "offence against military orders and decorum," then, according to the 27th section of the militia-law, the approbation of the brigadier-general was sufficient to perfect the sentence.

You will probably view this as a novel proceeding; but I can assure you that the duty I owe to the State, and the respect I have for your uniform conduct, has urged me to pursue this course, in order that impartial justice may be administered, and, if possible, to arrest the public clamor that has been excited respecting this decision.

I am, very respectfully, your obedient servant,

WM. RABUN.

CXVII.—GEN. BLACKSHEAR TO HIS SON JAMES.*

MILLEDGEVILLE, May 14, 1821.

DEAR JAMES:—I again write you by Mr. Golding, although I have written by Major Meriwether, and by whom I have sent you some money. I expect to leave this place to-morrow for home. I have heard that your mother is yet complaining of the asthma. The rest of the family are getting better.

When you receive the money, take care that you do not spend or otherwise dispose of it only as you are obliged to do. Be sure to keep out of bad company, and do not be persuaded to do any thing that is improper. Be advised by your cousins† and those gentlemen I recommended you to in my last. Never place yourself in a situation to deny what you know to be true, and always have a strict eye on what will support a good character. You can hardly conceive how easy it is for a youth to injure his character, which is rarely ever recovered; that is, if you should do any thing with other boys, you will all be implicated, and when you become a man it will not be forgotten. If you conduct yourself well, you will always be respected by good people. I have great solicitude for your welfare; and, having written you so lately, have nothing more.

Your loving father,

D. BLACKSHEAR.

CXVIII.—GEN. BLACKSHEAR TO HIS SON JAMES.

SPRINGFIELD,‡ October 4, 1821.

MY DEAR JAMES:—I received yours of the 7th ult., and am glad to find that you are pursuing your studies with a knowledge of the necessity

* James Hamilton Blackshear, the eldest son of the general, was at the time a student of Franklin College. He afterward married a daughter of Gen. John Floyd, and represented the county of Laurens several times in the Legislature. He was highly intelligent, and was much beloved for his noble qualities. He died in 1845, leaving many friends, who will ever cherish his memory with the warmest affection. This letter, and other letters from the same source, though written of course in all the freedom of privacy, are given to the public for the excellent advice they contain for young men.

† The two brothers, Thomas Jefferson Bryan and Blackshear Bryan, of Twiggs county, both since deceased.

‡ The name of Gen. Blackshear's residence in Laurens county.

of having an education. Continue to persevere, and remember the advice I have ever tried to impress on your mind,—that you are now laying the foundation of a character by which you will be judged all the rest of your life.

I have no doubt but you have your anxieties to see your mother and little brothers, and even amusements about home. But learning is worth more than these little temporary amusements, and particularly when you can hear from home so often as you do. Our election is over,—myself for Senate, Major Thomas and Mr. Horn for the House.

* * * * *

My respects to Jefferson, and tell him I hope he will continue at school until he gets an education, and particularly while you and he can progress as fast as the rest of your schoolmates.

I have it in contemplation to let you come home and see us next vacation; but do not let the thought of it interfere with your studies. Press on as fast as possible to the last day. Make my compliments to Mr. Moore, and tell him I should be glad he would write me at times when he can conveniently do so, as I am anxious to hear from that quarter more than you have an opportunity of knowing.

CXIX.—COL. E. F. TATTNALL TO GEN. BLACKSHEAR.

WHITEMARSH ISLAND, October 16, 1821.

DEAR GENERAL:—A vacancy has occurred in the station of Brigadier-General of the First Brigade. Cols. Daniell and Harden, of Chatham, and Col. Dunham, of McIntosh county, are the candidates to fill it. The former I wish particularly to recommend to your support. I do not know whether you are personally acquainted with each other; but, as I have long and intimately been acquainted with him, I can, *with confidence*, assure you that he is brave, chivalric, and gentlemanly; that he is ambitious of military distinction and *loves the soldier's character*. In short, that he is *all* which you, as an old soldier, could wish a man to be.

I do not mean to disparage the claims of either of the other candidates; but were I acting under oath, and had I to give a vote to either, it should conscientiously be given to Col. Daniell. With Col. Dunham I have been but slightly acquainted, but I have always seen in him the evidence of his deservedly high and respectable standing in his county. With Col. Harden I have been intimate, and my esteem and respect for him is great; but my *decided preference* is to Col. Daniell.

I will also, as I am on the subject of elections, suggest to you that a gentleman of the Savannah bar (N. P. Bond, Esq.) will be a candidate for the office of solicitor-general at the ensuing session, vice William Law, Esq., resigned. He is a fine, promising young Georgian, and his talents and worth are inferior to none in the State. His opponents are Levi S. D'Lyon and J. C. Nicoll, Esqs.

From all I can learn, *our* election goes on well. God grant we may succeed! Our State has been too long deluded by the factious and designing. It is time for us to restore it to that rank in the Union which it ought to hold and which the rancor of party-spirit has so long removed it from. Col. Troup, it would seem, *must* be elected; but I hope we shall continue active and alert on our post, for ideal security may defeat us again, as at the last election.

I hope to see you at the opening of the session, as I shall probably be in Milledgeville before I travel to the North. Pray communicate such

part of this letter as relates to Col. Daniell and N. P. Bond, Esqs., to your Representatives, and beg them to excuse the liberty which I take as a stranger.

Be assured, dear general, that I am, with the highest esteem and respect, your friend and obedient servant,

EDW'D F. TATNALL.

CXX.—COL. TATNALL TO GEN. BLACKSHEAR.

SAVANNAH, November 8, 1821.

DEAR GENERAL:—I with much pleasure avail myself of an opportunity of introducing to you my very intimate friend, who was in the same service with yourself during the late war, and whose character as a gentleman, a man of talents, and a soldier will, I am sure, make him a pleasing acquaintance, in your estimation.

Captain Hunter, the gentleman alluded to and the bearer of this introductory letter, is the present Cashier of the United States Bank. His official duties carry him to Milledgeville. Of these I have nothing to communicate, as I *know nothing of them*. I am, however, desirous of making him feel easy during his stay in Milledgeville, and I know no one who would feel more for a stranger than yourself.

Accept, my dear general, the reassurance of my highest regard and esteem.

Respectfully, your obedient servant,

EDW'D F. TATNALL.

CXXI.—PETER CRAWFORD* TO GEN. BLACKSHEAR.

Sunday morning, Dec. 9, 1821.

DEAR GENERAL:—I know you are in the habit of visiting Col. Moughon. He has invited me to dine with him. This is the only day that I can command or call my own. Will you honor me this day with your company to the colonel's? If you will, any hour that may be agreeable to you to set out will suit me. Let me know by the boy whether I shall have the pleasure of your company, and the hour.

Your friend, &c.,

PETER CRAWFORD.

CXXII.—GEN. BLACKSHEAR TO HIS SON JAMES.

SPRINGFIELD, March 22, 1822.

DEAR JAMES:—I have only received one letter from you since you left me, and this is the first that I have sent you. You seem to have forgotten that I required you to write every fortnight.

You ask my approbation for you to recite privately, for a few weeks,

* Long time a Senator from Columbia county.—a man of superior intelligence and marked integrity of character. He was usually Chairman of the Committee on Finance, and in that position afforded much light on the revenue and objects of appropriation by the Legislature. He was the father of the Hon. George W. Crawford, formerly Governor of Georgia and Secretary of War under the administration of President Taylor. Col. Moughon, referred to in Mr. Crawford's note, was a planter in the vicinity of Milledgeville, of extensive wealth and hospitality. He was accidentally killed a few years ago by being thrown from a buggy while riding with his son-in-law, Joseph Bond, Esq., in the city of Macon.

that you might get ahead of your class. I shall not object to your progressing as fast as your capacity will admit, and if it is thought to be of advantage to you to do so. But my fears are that you will not be studious, and pay money to get ahead without knowing what is necessary. I wish you to learn, and not merely get forward in high classes without knowing what you ought to have studied. If you have been as attentive, why are you not as far advanced as Jefferson Bryan? You were both in one class at first. It is in vain for me to write you and encourage you if you do not strive. I once more renew my advice by saying that education is for your own advantage, and if you neglect it will be your own loss. I shall never think money wasted if you only progress well.

I have had great misfortunes since you left here. Jack took sick and died after three weeks' illness; and yesterday Mike got upon the gin-wheel, and it carried him under the piece that holds the band-wheel and killed him. So you see that two most valuable boys are gone.

CXXIII.—GEN. BLACKSHEAR TO HIS SON JAMES.

SPRINGFIELD, April 12, 1821.

MY DEAR JAMES:—Yours of the 29th ult. has just come to hand, it being the third I have received. I am quite anxious for your welfare, and uneasy for fear of the measles and the fever that exist at Athens. But diseases prevail in all countries, to which mankind are subject. An all-wise Providence is your only protector.

We have generally good health here. Your mother has had some symptoms of the asthma, but is better, and as well as common. Your brother William* has a bad cold, which I was afraid was symptomatic of asthma. He is now better, but not so well as he has been through the winter.

I am much pleased to hear that your teachers approve of your progress in learning, and that your cousins improve also, with whom, I hope, you will cherish harmony and friendly intercourse, and also with all your schoolmates who conduct themselves with propriety. Avoid the company of all that do otherwise, and try to act in such a way as to merit the approbation and respect of all men of respectability. Envy none; avoid quarrels and disputation as much as possible. But, if any should unavoidably occur, be sure that you are in the right; and, when you are sure that you are so, shrink from none from *fear*, regardless of consequences. I am sorry that none of my nephews think enough of me to write me even one letter since Blackshear left there. I am engaged in getting in my new ground.

* * * * *

Make my compliments to Doctor Waddel, with whom I have some acquaintance, and request him when at leisure to write me on your improvement.

CXXIV.—GEN. BLACKSHEAR TO HIS SON JAMES.

SPRINGFIELD, May 5, 1822.

DEAR JAMES:—I received yours of the 13th ult., in which you informed me of your indisposition from measles. I am solicitous to hear of your final recovery.

* William Thweatt Blackshear died in 1838, aged thirty-one years. Asthma was quite established in his constitution.

It would seem as if you expected to enter college in June. You know how anxious I am for your welfare, and it affords me much pleasure to hear of your advancing as fast as any of your schoolmates. But I wish you to be perfect as far as you go, if it takes you a little longer time. That, however, I must leave with your teacher and yourself. When you enter college, I should be glad, if consistent with the rules, that you could continue to board with Mr. Moore; but you must conform to the rules, and be sure not to join any party that commit riots. Often reflect that you are now laying the foundation of your future greatness: a misstep may injure you as long as you live.

We have had more rain than ever, and a greater freshet than you ever saw. The river was nearly to the top of my little mill-door. It carried off my fence and destroyed forty acres of cotton which was planted.

* * * * *

My sugarcane has not come up well, and I begin to fear it will not come soon enough to make much this year. What I made last is of a superior quality of brown sugar. I wish I could send you some to show the up-country people what can be done here. We have a great prospect of fruit, particularly peaches.

Your mother has been very unwell with the asthma, but is now in pretty good health, and will be uneasy until she hears that you have quite recovered from the measles. You are apprized that to expose yourself after you appear to be well is dangerous: you will therefore be guarded against taking cold or overheating yourself for some time after you think you are well.

CXXV.—JOHN ELLIOTT* TO GEN. BLACKSHEAR.

PHILADELPHIA, September 4, 1822.

MY DEAR SIR:—After a rough passage of seven days, we landed in New York. I found this State, as usual, much agitated by factions. Mr. Calhoun's friends are making violent efforts here to weaken Mr. Crawford's influence, in the vain hope of securing the vote of this great State in support of their favorite. They have so far succeeded as to have seduced from his engagements to advocate Mr. Crawford the editor of "*The Patriot*," and turned his press in favor of Mr. Calhoun. But this shameful defection on the part of the editor has already deprived him of the patronage of the principal Republicans of the city of New York, and will very shortly consign the paper to deserved insignificance. The efforts of this press have produced no unfavorable impressions on the public sentiment. New York and the great body of Republicans are decidedly friendly to Mr. Crawford's success. Connecticut is vacillating; but I have the most positive assurances from my friends there that she will come out in due time for us.

Mr. Crawford's most violent political enemy, Mr. Edwards, has been left out of Congress in the late elections in Illinois; and two of the Representatives who were last winter opposed to him have recently advocated

* Hon. John Elliott was a Senator in Congress from Georgia from 1819 to 1825. This letter bears upon its face evidence that it was not intended for the public eye; yet, as curiously speculative, it is submitted as so much history of the state of parties at a memorable epoch. Similar letters no doubt circulate among political leaders in every important canvass without affecting the propriety of the candidates. All the public men named in the letter are dead.

his election before the people. From Maine, New Hampshire, Massachusetts, and Vermont we shall obtain in caucus a much greater support than our enemies are aware of; and I think we may safely calculate on twenty votes from this section of the nation. In caucus, New York may be depended on for twenty-eight votes. New Jersey is now much divided, but will certainly give us six votes. The people of Pennsylvania are evidently in favor of Gen. Jackson; but, as they have generally admitted the necessity of supporting the caucus candidate, the friends of Mr. Crawford wink at their present predilections, knowing that the general cannot be nominated, and believing Mr. Crawford must ultimately receive the vote as the caucus candidate. In the caucus, however, we shall receive from this State seven votes at least. *Delaware is with us.* Maryland is not fixed, but will surely lend us her support with five votes. Mr. Crawford's strength, then, in the caucus may be fairly thus estimated,—viz. :

From New England, 20 votes; from New York, 28; New Jersey, 6; Pennsylvania, 7; Delaware, 3; Maryland, 5; Virginia, 24; North Carolina, 15; South Carolina, 2 *certainly*, and, should Mr. Calhoun withdraw, or be dropped, 7 votes; Georgia, 9; Ohio, 1; Indiana, 2; Illinois, 2; Mississippi, 2; Tennessee, 2 at least,—making an aggregate of one hundred and twenty-eight votes, which will be a majority of the Republican members. And should any of the other candidates withdraw, or be dropped by their friends, the number will receive considerable accession. For no combination of interest can be formed to prejudice the standing and prospects of Mr. Crawford: the West can never be induced to support Mr. Adams, nor will the Republicans of the East, in the absence of Mr. Adams, prefer Mr. Clay or Gen. Jackson to Mr. Crawford.

I consider Mr. Crawford's success, then, as *more than probable*; and, in forming this opinion, I think I have not suffered my wishes, strong as they are, to influence my judgment.

In conformity to your wishes expressed in your letter first received, I have given you the preceding view of the Presidential question. As our success greatly depends on a caucus-nomination, it will be proper to conceal from our adversaries our real strength until the moment of trial. Our friends in Georgia may be made acquainted with these facts, but they must be kept from the newspapers.

Mr. Forsyth is here, and we improve every occasion to *strengthen our friends and weaken our adversaries*. Our situation enables us to act sometimes very efficiently in this regard.

The prospect of Col. Troup's success is highly gratifying to me, and I hope no untoward circumstance may occur to lessen his well-deserved influence with the people.

As it respects myself, I am quite disposed to leave the propriety of my re-election to the judgment of my friends. I was urged in the most flattering manner by those in the eastern district, whose opinions and wishes I greatly respected, not to leave public life at this time; and, having been induced to ask for a re-election, I should be *gratified by a liberal support*. It is probable I may continue here until the meeting of Congress, occasionally visiting Jersey and the upper part of this State, as political appearances may render it necessary. And, although you are not fond of writing, I hope you will indulge me with an occasional letter. My correspondence is very extensive, and I write always in great haste.

Offer my best regards to Col. Troup when you see him, and believe me most cordially your friend,
J. ELLIOTT.

CXXVI.—GEN. BLACKSHEAR TO HIS SON JAMES.

SPRINGFIELD, February 26, 1824.

MY DEAR JAMES:—I herewith enclose you twenty dollars for your ordinary expenses. I am not willing you should be out of money, but that you should know it is not to be wasted for things of no real benefit. To know how to lay out money is more difficult than to make it. So soon as you receive this, write me and acknowledge the *receipt*, that I may know the money is not lost.

Your reasons for not having written me are not sufficient, as you might write beforehand, if it was a whole week. I should know things at the time you write. I wish you to take more pains in writing well, and not write so small and cramped a hand. Make your letters larger, and take pains to write and spell well. Continue your assiduity in your studies, that you may derive the whole benefit of the money I am paying and the time and privation you experience in getting your education; and be sure to be able to leave that place with credit to yourself, which will add much to my happiness.

Farewell, my son.

D. BLACKSHEAR.

CXXVII.—DR. MOSES WADDEL TO GEN. BLACKSHEAR.

ATHENS, November 18, 1824.

DEAR SIR:—Yours of the 16th is received this morning, and for the expressions of friendship and confidence which it contains I feel much obliged to you.

I am sincerely conscious that I have honestly exerted myself to do my duty since I have been here, and am sorry that I have not succeeded in pleasing all my fellow-citizens. I am sure I have done *all that I could* for the interest of the college, situated as I have always been since I came to the place; and, though I will not venture to say that I have done all that very many *could* have done here, yet I do firmly believe that scarcely any other man *would* have done more, in the same time and circumstances.

Had every man counselled and treated his son as you have treated yours here, many misrepresentations which have gone abroad would never have been heard. James has behaved well, and has been studious. He honors the laws: of course his standing is good in college, and in the village his character is fair, and his improvement in knowledge is very considerable. If he persist in the course he has observed during the past year, I confidently predict that he will be a good scholar, and an estimable, useful man, an honor to this institution, and a comfort to your declining years.

I have paid all the money you sent me for his board and tuition, except \$4 37½, which I paid to him this evening.

I now expect to remain here, in compliance with the request of the trustees and Senatus Academicus, during some part of the next year at least,—although such is my desire of peace and quietness that I would sincerely prefer retirement and repose in the evening of life. I do not wish to be in anybody's way. As I did not solicit the office, which is exceedingly arduous and responsible, I thank God, who has blessed my honest industry, I am not in such circumstances as to render it necessary

that I should wish to remain in it against the will of any one who is opposed to my administration.

Please present my respects to my old friend Peter Crawford, Esq. I do hope you will visit us shortly. I shall be glad to see or hear from you at any time, and am your assured friend,
M. WADDEL.*

CXXVIII.—RICHARD HENRY WILDE TO GEN. BLACKSHEAR.

AUGUSTA, November 27, 1824.

DEAR GENERAL:—My friend, George W. Crawford, Esq., who will deliver you this letter, intends being a candidate for the office of attorney-general next session.

Mr. Crawford studied with me, and is entirely deserving of the appointment. His character, politics, and talents are altogether unexceptionable. May I beg you to assist him in extending his acquaintance among the members of the Legislature, in such a manner as may insure him the fairest prospect of success?

Believe me, very sincerely and respectfully, your friend and servant,
R. H. WILDE.

CXXIX.—REV. MOSES WADDEL TO GEN. BLACKSHEAR.

ATHENS, January 21, 1825.

DEAR SIR:—Yours of the 8th is received, for which I thank you. Mr. Mitchell is a youth of superior scholarship and steady habits. I think he will exactly suit your purpose. But, as he has one study to prosecute yet in order to complete his course, I presume he can hardly be prevailed on to go before the Commencement. I am cordially desirous to promote his interests and your views in this case, which appear to me to be entirely compatible.

My opinion is, that you would do well to visit this place yourself, in person, some time in February, before crop-season arrives. I am sure you could do much more toward succeeding in procuring a teacher, were you here a day or two yourself. Your son and other young friends would be glad to see you; and I am certain a number of your old ones would rejoice to see you under their roof. I can truly speak for one.

Judge Clayton will go on the circuit about the middle of February. I greatly wish you could be here before he goes, for some weighty reasons. Some singular events have occurred here of late which are known to but a few. I wish to communicate them to you, but not by letter.

Your son is doing well as usual. The students have generally returned, and about half a dozen new ones. I am unusually anxious to converse with you freely and at length on some interesting subjects. Do come, if you can; and, if not, write as often as convenient.

Very sincerely, your friend,

M. WADDEL.

* President of Franklin College: elected to that office in 1819, and resigned in 1829. Dr. Waddel was renowned as an educator of youth. Among his pupils were John C. Calhoun, William H. Crawford, William Lowndes, and George McDuffie, all of whom were men of the very highest order of intellect and who acquired imperishable fame. He died at the residence of his son, in Athens, in 1840, at an advanced age.

CXXX.—COL. SEABORN JONES TO GEN. BLACKSHEAR.

MILLEDGEVILLE, January 23, 1825.

MY DEAR SIR:—The subject* on which I am about to address you must form the best apology for troubling you; and the relations of friendship which have existed between us will best explain the reasons why this letter is addressed to you.

The suit at present existing between Dr. Ridley and your brother Joseph is one which involves much property and no little feeling. At the last court of Laurens county, Major Walker suggested to me a desire that a settlement might be made between them, which would not only terminate the present suit but prevent any future litigation. This accorded so well with my own feelings that I immediately determined to use my utmost exertions to bring about so desirable an event. I say it accorded with my feelings; for I assure you I have, ever since I was engaged in the case, most ardently desired a settlement might be made which would save me the disagreeable necessity of discussing questions involving so much feeling as those connected with the prosecution and defence of the case.

It is urged by Ridley, and must necessarily be by his counsel, that Joseph Blackshear had the most implicit confidence reposed in him by his brother Elijah; that he placed his only child and daughter under his guardian care and protection, and died with an entire confidence that his only child would be taken care of and treated as though she were the child of Joseph himself; that, while living, they were as twin-brothers; and that Joseph is now attempting to take advantage of every quirk and quibble of the law to deprive this daughter of all, or the greater part, of her property.

The defence which has been set up is, too, of the most odious character, and calculated to injure him; and the remarks upon that defence (I mean the doctrine of survivorship) must necessarily be most wounding to his feelings. All this I hoped we might be able to avoid, and that we might be able to make a settlement equally beneficial to both parties.

By the will of your brother Elijah, Ridley's wife is entitled to fifteen thousand dollars of personal property, and land in proportion, on her intermarriage, with interest from that time. If the counsel of your brother Joseph have acted with candor, they must have informed him that this was inevitable. The proportion of land equivalent to that sum of personal property cannot be less than five thousand dollars, making together \$20,000. To this add interest from the marriage (December 8, 1822) to

* The bill in chancery filed by Archibald B. Ridley and his wife Harriet against Joseph Blackshear, as executor of Elijah Blackshear, deceased, pending which Mrs. Ridley died, and her husband subsequently, as administrator, recovered judgment for about twenty-five thousand dollars, which was collected. For some decision or ruling of the law in this case, Judge Moses Fort was arraigned before the Legislature of Georgia, in 1827, by Col. Blackshear. A committee in the House of Representatives, of which the Hon. Charles Dougherty was chairman, heard evidence upon the charges, (habitual intoxication included,) and reported an address to the Governor recommending the removal of the judge from office, which passed in the House, but failed in the Senate for want of two-thirds, the constitutional majority required in such cases. Col. Jones was probably mistaken in his inference touching the "odious" defence set up by Col. Blackshear to the *donation* made by his bachelor-brother out of partnership-effects.

this time, \$5000, makes twenty-five thousand dollars that he is now entitled to.

Upon the death of your brother, the remainder of the estate has to be divided into three parts, of which Ridley and wife are entitled to one-third. What is this worth? The balance of the estate, (after deducting the legacy to Harriet of \$15,000, &c.,) lands, negroes, and stock of all kinds, cannot be less than fifteen thousand dollars. Ridley says he can prove it to be worth thirty thousand. To this add the bank-stock in the Darien and United States Banks, the dividends, the yearly hire or value of the lands and ninety-one negroes, or profits arising from the plantations, which all know were under your brother Joseph's management, cannot be less than five thousand dollars per year.

Your brother Joseph has been advised, and, I presume, believes he will not have to account for the yearly value of the property. This is a mistake. For although he has the right to lay out and dispose of it, yet, you will see, this power was given to him from the reliance Elijah had in his management and care, and that it must ultimately be accounted for when the general division takes place at his death. Now, for this contingent interest, Ridley, by my advice, and, I may say, persuasion, agreed to take five thousand dollars, making the whole sum to be paid him thirty thousand dollars. This was thought too high, and I was informed by Major Walker that twenty thousand dollars would be given. To this Ridley would not accede; and I will be candid and say to you that while I would not interpose my advice, voluntarily, to permit his taking any sum, yet, on being asked, I could not advise him to take that sum, believing it so far below what he had a right to claim.

I have written fully and freely to you, not as counsel for Ridley, but as a friend to you and your brother, and from an anxious desire to have the case settled and myself saved the necessity of discussing questions which must wound the feelings of my friends. I have no doubt you will duly appreciate my motives. If you think, with me, it will be best for your brother Joseph to settle on those terms, you will endeavor to bring it about. If you do not, you will excuse my troubling you on the subject.

My brother is getting better. My family is well. The Governor is mending. Accept for your family my best wishes, and believe me yours, sincerely,

SEABORN JONES.

CXXXI.—RICHARD HENRY WILDE TO GEN. BLACKSHEAR.

HOUSE OF REPRESENTATIVES, February 9, 1825.

DEAR SIR:—I enclose you the state of the vote on the Presidential election. The result is to be attributed to the union of the friends of Mr. Clay with those of Mr. Adams.

Very sincerely, yours,

R. H. WILDE.

[ENCLOSURE.]

NATIONAL INTELLIGENCER—*Extra.*

WEDNESDAY, February 9, 1825, half-past 3 o'clock p. m.

The votes of the Electors of President and Vice-President of the United States were this day counted out in the presence of the Senate and

House of Representatives; when it appeared that, for President and Vice-President of the United States, the votes were as follows:—

	FOR PRESIDENT.				FOR VICE-PRESIDENT.					
	Adams.	Crawford.	Jackson.	Clay.	Calhoun.	Macon.	Jackson.	Sanford.	Clay.	Van Buren.
Maine.....	9	0	0	0	9	0	0	0	0	0
New Hampshire..	8	0	0	0	7	0	1	0	0	0
Massachusetts....	15	0	0	0	15	0	0	0	0	0
Rhode Island.....	4	0	0	0	3	0	0	0	0	0
Connecticut.....	8	0	0	0	0	0	8	0	0	0
Vermont.....	7	0	0	0	7	0	0	0	0	0
New York.....	26	5	1	4	29	0	0	7	0	0
New Jersey.....	0	0	8	0	8	0	0	0	0	0
Pennsylvania.....	0	0	28	0	28	0	0	0	0	0
Delaware.....	1	2	0	0	1	0	0	0	2	0
Maryland.....	3	1	7	0	10	0	1	0	0	0
Virginia.....	0	24	0	0	0	24	0	0	0	0
North Carolina...	0	0	15	0	15	0	0	0	0	0
South Carolina...	0	0	11	0	11	0	0	0	0	0
Georgia.....	0	9	0	0	0	0	0	0	0	9
Kentucky.....	0	0	0	14	7	0	0	7	0	0
Tennessee.....	0	0	11	0	11	0	0	0	0	0
Ohio.....	0	0	0	16	0	0	0	16	0	0
Louisiana.....	2	0	3	0	5	0	0	0	0	0
Mississippi.....	0	0	3	0	3	0	0	0	0	0
Indiana.....	0	0	5	0	5	0	0	0	0	0
Illinois.....	1	0	2	0	3	0	0	0	0	0
Alabama.....	0	0	5	0	5	0	0	0	0	0
Missouri.....	0	0	0	3	0	0	3	0	0	0
Total.....	84	41	99	37	182	24	13	30	2	9

It appeared, therefore, that, for President, there was no choice by the Electors; and that for the office of Vice-President, John C. Calhoun, having a majority of votes, was duly elected.

The Senate having retired, the House of Representatives proceeded to arrange itself into States, and, at three o'clock, a balloting took place for President of the United States, which resulted as follows:—

For John Quincy Adams.....	13 votes.
For Andrew Jackson.....	7 votes.
For William H. Crawford.....	4 votes.

So John Quincy Adams was duly elected President of the United States for four years from the fourth day of March next.

It is understood that the votes of the several States were given as follows:—

FOR JOHN QUINCY ADAMS.—Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, Maryland, Ohio, Kentucky, Illinois, Missouri, Louisiana.

FOR ANDREW JACKSON.—New Jersey, Pennsylvania, South Carolina, Tennessee, Alabama, Mississippi, Indiana.

FOR WILLIAM H. CRAWFORD.—Delaware, Virginia, North Carolina, Georgia.

CXXXII.—RICHARD H. WILDE TO GEN. BLACKSHEAR.

WASHINGTON CITY, February 20, 1825.

DEAR SIR :—From what you have already heard, you may well imagine we have fallen on evil times. There is no hope for the Republic during the next four years: if it outlives that time, and has strength enough remaining to shake off its doctors and its diseases, its constitution may be restored. But I have my doubts. So insensible to every thing but the promotion of their own selfish views of interest or ambition are many of our public men of the present time, so open and unblushing the traffic in influence which we have seen established, that either they must be signally punished, or the people will lose—nay, must have already lost—all belief in political honesty, and consider all difference of party as a mere pretext to cover the struggle for office between outs and ins.

The coalition-ministry is not yet certainly announced. Clay will be Secretary of State, Mr. Cheves of the Treasury, if he will accept. Mr. Wirt and Mr. Southard, it is thought, will be retained. Mr. Webster must be in some way provided for,—but how, is the difficulty. The holy political alliance are afraid of bringing so decided a Federalist into office. He would like to be Speaker of the House, into which Mr. Adams's friends cannot put him. Forsyth, or McLane of Delaware, will be in his way. This much is certain: let the materials be compounded as they may, we have nothing to hope from the General Government. Our claims for militia-services and for the removal of the Indians are not treated with common decency. A refusal to do us justice is accompanied with a careless contempt of our rights, and of the obligations of the Union to us, such as no man would use who had the least regard for the reputation of this Government.

Rely upon it, we are not far from questions which must rouse Southern feeling, if it is not dead. We shall have before long proposals for emancipation. A committee of the House of Representatives have already made a report justifying the treaty of Mr. Adams *yielding the right of search*; and the House, in spite of all opposition, has ordered three thousand copies to be printed.

The Southern States are already the Ireland of the Union. I pray God that ere long we may not realize all the bitter consequences of the policy which has made us so.

Farewell, my dear sir: remember me to our friends in Laurens, and believe me, sincerely, yours,

R. H. WILDE.

CXXXIII.—M. B. LAMAR* TO GEN. BLACKSHEAR.

HEAD-QUARTERS, MILLEDGEVILLE, March 4, 1825.

(Circular.)

The commander-in-chief presents his compliments to the major-generals and brigadier-generals commanding the militia of the State, and invites them to pay their respects to Gen. Lafayette, either at Savannah, Augusta, or Milledgeville, as may best suit their convenience. He will probably be present at either place, and will take pleasure in presenting them to the general.

By the commander-in-chief:

MIRABEAU B. LAMAR,
Secretary.

CXXXIV.—HENRY KING TO GEN. BLACKSHEAR.

ALLENTOWN, LEHIGH COUNTY, PENNA., October 16, 1825.

DEAR SIR:—My brother, David R. King, who will hand you this, is about to go to Milledgeville to attend to the claim† which I, last winter, brought before the Legislature of Georgia. You are so well known for your love of justice that I am led to hope you will still look upon the claim with a favorable eye.

I cannot go on to attend to it this winter myself; and, indeed, I have already suffered severely in my attempts to recover it. Georgia feels how hard it is to have justice refused her; and I am sure she would not willingly refuse justice to an individual whose rights are entirely in her power.

Believe me, with sentiments of the greatest regard, yours, &c.,
HENRY KING.

CXXXV.—C. B. STRONG TO GEN. BLACKSHEAR.

IRWINTON, October 19, 1825.

DEAR SIR:—We have fought the good fight and kept the faith, and, thank God, we obtain a good reward. The honor and rights of Georgia are sustained.

It having fallen to my humble lot to take the bulls by the horns, [Gaines and ——,] I cannot tell you how much I am gratified. They boast of a legislative majority; but, with prudent management, we can disappoint the certificate-and-affidavit faction in that respect also. I am unencumbered with office, or the desire or expectation of office, and will meet you

* He espoused the cause of Texas in 1835, commanded the cavalry at the battle of San Jacinto, April 21, 1836, and by his impetuous charge decided the contest in a few minutes. He advised the execution of Santa Anna when the latter was taken prisoner by the Texans. Gen. Lamar was the first Vice-President and the second President of the Republic. His courage and genius have fully established his fame as the hero-poet.

† The nature of this claim does not appear in the correspondence, this being the only letter found relating to it. It may, perhaps, appear in the Journals of the Legislature for 1824 and 1825; but, as the author of this memoir has no copy of these on hand, he can only suggest that it possibly referred to *Continental money*, or some special service rendered the State without the authority of law or contract.

at Milledgeville, and exert my feeble powers to sustain our good cause and virtuous administration.

Yours, with cordial respect, &c.,
C. B. STRONG.

CXXXVI.—DR. JAMES PERRY TO GEN. BLACKSHEAR.

TATNALL, November 2, 1825.

SIR:—I beg leave to introduce to your notice Mr. —, a Representative in the Legislature from this county. He is a new member, and will require such aid as you can bestow on him. He will thankfully acknowledge the favor, and, in my opinion, will support the present administration and the officers of Government who served the present year with fidelity. And, from party prejudice, he will not (unless led away) advance any others.

I have the honor to be your most obedient,
JAS. PERRY.

CXXXVII.—CHARLES HARRIS* TO GEN. BLACKSHEAR.

SAVANNAH, October 21, 1826.

MY DEAR SIR:—I address you as an old friend, and that on a subject I never expected to write about. I am a candidate for the appointment of Judge of the Court of Oyer and Terminer located *in this city*. Judge Nicoll, who has held the office for the last three or four years, will again offer at the election to take place at the ensuing meeting of the Legislature. He is a gentleman of respectability and integrity, and I make no personal opposition to him. But he is young, and at the bar, and I am old, and going out of it, and the judgeship would benefit me, not being rich.

I have served in several offices and performed many public duties *in Savannah* without fee or reward, for twenty-five years past, and therefore hope that my claims at this election will not be viewed as frivolous or intrusive. I am not acquainted with the members of the Legislature of the West; and, if you feel inclined to serve me, I shall be grateful for your aid among your friends, such as Gen. Wimberly, Mr. Lawson,† and others.

I am, my dear sir, respectfully, your old friend,

C. HARRIS.

CXXXVIII.—COL. RICHARD A. BLOUNT TO GEN. BLACKSHEAR.

MILLEDGEVILLE, October 30, 1826.

DEAR SIR:—Since my return from the Chattahoochee River, I have repeatedly thought of writing to you. The time draws near when the

* Mr. Harris was a native of England, educated in France, and removed to Georgia in 1788, residing at Savannah until his death, March 17, 1827. He was a profound jurist and estimable man.

† Col. Roger Lawson, for many years a Representative from Twiggs county. He served as a major in the army with Gen. Blackshear, and his name appears in the official despatches. His social and benevolent nature betrayed him into acts of familiarity with the private soldiers of his command in the intervals of duty, for which offence (forbidden by military discipline) he was arrested and tried by a court-martial under the orders of Col. Patton. The evidence plainly established his *guilt* of uniform kindness of heart, attention to the sick, and an occasional glass of *grog* with the healthy. On his return home, these *charges*, so fully sustained, at once secured him an extensive popularity, which continued until his death in 1830. He was the father of the Hon. Andrew Lawson, late one of the Judges of the Circuit Court of Louisiana.

Board of Commissioners of the Oconee Navigation should make another report. I begin to tire in public business; and if we could close what we have on hand, and turn it over to the Board of Internal Improvement, I am willing to resign it to them. Or, if you see any way that we can promote the public interest, I am yet willing to try; or I am very willing to decline all.

I wish you had continued one year more in the Senate, as our old friend Crawford is out. I expect to be in town the first week and absent the second week of the session. We claim the majority in the Senate, and in the House of Representatives also; but I see Bartlett claims the strength in Senate.

Old — is completely stringhalted and spavined, and, with proper management this session, I think he will never recover. Prudence and moderation in our ranks will establish the Republican party. Very few alterations will suffice this session,—some change in the penitentiary, and enough to turn the scale in the Darien Bank, in McIntosh county, &c.

I fear the internal improvement is to branch out rather too far, and in the wrong place, though I know not what the board is engaged on at this time. Write me by return-mail, if practicable, whether you will be up.

I am, dear sir, sincerely yours,

R. A. BLOUNT.

P.S.—Col. E. Hamilton is in town.

CXXXIX.—PETER CRAWFORD TO GEN. BLACKSHEAR.

COLUMBIA, July 8, 1828.

MY DEAR FRIEND:—I have for a long time contemplated renewing our old acquaintance and friendship by letter, and have not been able to summon resolution enough to perform this act of friendship until to-day; and now I have nothing new or interesting to communicate. I can only say that since I saw you last I have enjoyed good health, and, like an old blockhead, suffer my name to continue before the public; but I believe, my dear general, it does not arise from vanity or ambition.

I am sick and disgusted with Milledgeville and legislating, but my friends cannot, or will not, consent to my retiring to private life; and, although it is against my interest, wishes, and inclinations, yet somehow or other I cannot muster resolution enough to say NO to my friends and manifest myself firm. I sensibly begin to feel a burden.

I seldom leave home; but I am informed that both parties in this county have a full ticket. Our friends, I understand, are sanguine, and have no doubt that the whole Troup ticket will prevail. Every thing in this wise world is uncertain; and the negro is correct when he says, "White man is very uncertain." From all appearances, we shall succeed. It is said that, by deaths, removals, and changes in the sentiments of a number of our citizens, the prospect is fair that the election will terminate in favor of the Troup ticket.

Our Judge — is caucusing and setting up opposition to the Troupers, begging and soliciting individuals in the circuit to continue him in office. He has been operating in this county and Richmond. I trust you Southern people will remember his honor in November next. He cannot, I think, get a half-dozen votes in his own circuit.

It is unpleasant to see so many of our friends coming out for Congress. I cannot see how the evil can be corrected. Every week, almost, we see some new candidate announced in the public papers. If there is an in-

ference with the view to their withdrawing from the contest, it will give offence to the individual and his friends. If they go on and are disappointed, they will change their political friends with their defeat. I can see no other way for us than to look on and let them pursue their own course. But I fear this folly and vanity will result in the election of one or more Federalists. —, I hear, has withdrawn, but — holds on, and the *Clarkites* will not let so favorable an opportunity escape them. I look out every day to see half a dozen of their vagabonds announced for Congress. Old — or his son-in-law, —, I calculate, will soon be announced.

William H. Torrance, Esq., is now with me, and will take this letter to Milledgeville. He tells me that he has recently seen you, and that you enjoy fine health. Believe me, my dear friend, I am gratified to hear that your health has improved. When I saw you last, you appeared to be in a rapid decline, and I had doubts whether I should ever have the pleasure of seeing you again. I now anticipate the pleasure in November once more to take you cordially by the hand.

I have the fullest confidence in Mr. Monroe, your Senator. He is a fine, decisive man; but he does not carry with him into the Senate the talent, knowledge of business, and influence that you have so long exercised for the interest and benefit of the State. Believe me, general, this is not flattery. It is the honest conviction of a friend who, I persuade myself you have long believed, flattered no man. Your health is now restored; and, if you were not announced by your friends for Elector, I should certainly press you—and strongly, too—once more to come into the Senate, at all events. I hope and trust you will yield in 1829 to the wishes of your friends, and come into the Senate. From long experience I find I cannot emancipate myself from my country and my friends. The latter will force me upon the country until, from old age or crime, I shall be rejected. But so long as I continue in the Legislature it will afford me much pleasure to support your wise measures and follow you as an old veteran and file-leader.

Our seasons, so far, have been favorable, and our crops are good, particularly the cotton. We want rain at this time, but are not suffering. In writing I make no apology to friends. They must decipher my scrawl as they can.

I can only add that my best wishes attend you and every branch of your family, and believe me to be your friend and obedient servant,

PETER CRAWFORD.

CXL.—DANIEL CHANDLER* TO GEN. BLACKSHEAR.

WASHINGTON, October 10, 1831.

DEAR SIR:—I have been induced to become a candidate for the office of Solicitor of this circuit, and, yielding to the advice of my friends, I take this opportunity, if it be consistent with your views and feelings, to solicit any assistance that you may feel disposed to render me in my election.

Your obedient servant,
DANIEL CHANDLER.

* Mr. Chandler was elected Solicitor-General of the Northern circuit, in November, 1831. In 1835, he removed to the city of Mobile, Alabama, where he now resides,—one of the purest men living. He was a classmate of James H. Blackshear, son of the general.

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